

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 43

AN ACT

To repeal sections 302.302, 302.700, 302.720, 302.735, 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, merged with conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.060 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.304 as enacted by conference committee substitute for house committee substitute for senate committee substitute for senate bills nos. 930 & 947, ninety-fourth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for senate substitute for senate committee substitute for house committee substitute for house bill no. 1402, ninety-sixth general assembly, second regular session, section 302.309 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, section 302.525 as enacted by conference committee substitute for house committee substitute no. 2 for senate committee substitute for senate bill no. 480, ninety-sixth general assembly, second regular session, and section 302.525 as enacted by conference committee

substitute for house committee substitute for senate
committee substitute for senate bills nos. 930 & 947,
ninety-fourth general assembly, second regular session,
and to enact in lieu thereof nineteen new sections
relating to transportation, with penalty provisions, an
emergency clause for certain sections and an effective
date for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 302.302, 302.700, 302.720, 302.735,
2 302.740, 302.755, 304.180, 304.820, 476.385, 577.041, RSMo,
3 section 302.060 as enacted by conference committee substitute for
4 senate substitute for senate committee substitute for house
5 committee substitute for house bill no. 1402, ninety-sixth
6 general assembly, second regular session, merged with conference
7 committee substitute for house committee substitute no. 2 for
8 senate committee substitute for senate bill no. 480, ninety-sixth
9 general assembly, second regular session, section 302.060 as
10 enacted by conference committee substitute for senate substitute
11 for senate committee substitute for house committee substitute
12 for house bill no. 1402, ninety-sixth general assembly, second
13 regular session, section 302.304 as enacted by conference
14 committee substitute for house committee substitute no. 2 for
15 senate committee substitute for senate bill no. 480, ninety-sixth
16 general assembly, second regular session, section 302.304 as
17 enacted by conference committee substitute for house committee
18 substitute for senate committee substitute for senate bills nos.
19 930 & 947, ninety-fourth general assembly, second regular
20 session, section 302.309 as enacted by conference committee
21 substitute for senate substitute for senate committee substitute
22 for house committee substitute for house bill no. 1402, ninety-

1 sixth general assembly, second regular session, section 302.309
2 as enacted by conference committee substitute for house committee
3 substitute no. 2 for senate committee substitute for senate bill
4 no. 480, ninety-sixth general assembly, second regular session,
5 section 302.525 as enacted by conference committee substitute for
6 house committee substitute no. 2 for senate committee substitute
7 for senate bill no. 480, ninety-sixth general assembly, second
8 regular session, and section 302.525 as enacted by conference
9 committee substitute for house committee substitute for senate
10 committee substitute for senate bills nos. 930 & 947, ninety-
11 fourth general assembly, second regular session, are repealed and
12 nineteen new sections enacted in lieu thereof, to be known as
13 sections 302.060, 302.302, 302.304, 302.309, 302.525, 302.700,
14 302.720, 302.735, 302.740, 302.755, 302.767, 304.180, 304.820,
15 476.385, 565.087, 565.088, 565.089, 577.041, and 1, to read as
16 follows:

17 302.060. 1. The director shall not issue any license and
18 shall immediately deny any driving privilege:

19 (1) To any person who is under the age of eighteen years,
20 if such person operates a motor vehicle in the transportation of
21 persons or property as classified in section 302.015;

22 (2) To any person who is under the age of sixteen years,
23 except as hereinafter provided;

24 (3) To any person whose license has been suspended, during
25 such suspension, or to any person whose license has been revoked,
26 until the expiration of one year after such license was revoked;

27 (4) To any person who is an habitual drunkard or is
28 addicted to the use of narcotic drugs;

1 (5) To any person who has previously been adjudged to be
2 incapacitated and who at the time of application has not been
3 restored to partial capacity;

4 (6) To any person who, when required by this law to take an
5 examination, has failed to pass such examination;

6 (7) To any person who has an unsatisfied judgment against
7 such person, as defined in chapter 303, until such judgment has
8 been satisfied or the financial responsibility of such person, as
9 defined in section 303.120, has been established;

10 (8) To any person whose application shows that the person
11 has been convicted within one year prior to such application of
12 violating the laws of this state relating to failure to stop
13 after an accident and to disclose the person's identity or
14 driving a motor vehicle without the owner's consent;

15 (9) To any person who has been convicted more than twice of
16 violating state law, or a county or municipal ordinance where the
17 defendant was represented by or waived the right to an attorney
18 in writing, relating to driving while intoxicated; except that,
19 after the expiration of ten years from the date of conviction of
20 the last offense of violating such law or ordinance relating to
21 driving while intoxicated, a person who was so convicted may
22 petition the circuit court of the county in which such last
23 conviction was rendered and the court shall review the person's
24 habits and conduct since such conviction, including the results
25 of a criminal history check as defined in section 302.010. If
26 the court finds that the petitioner has not been convicted, pled
27 guilty to or been found guilty of, and has no pending charges for
28 any offense related to alcohol, controlled substances or drugs

1 and has no other alcohol-related enforcement contacts as defined
2 in section 302.525 during the preceding ten years and that the
3 petitioner's habits and conduct show such petitioner to no longer
4 pose a threat to the public safety of this state, the court [may]
5 shall order the director to issue a license to the petitioner if
6 the petitioner is otherwise qualified pursuant to the provisions
7 of sections 302.010 to 302.540. No person may obtain a license
8 pursuant to the provisions of this subdivision through court
9 action more than one time;

10 (10) To any person who has pled guilty to or been convicted
11 of the crime of involuntary manslaughter while operating a motor
12 vehicle in an intoxicated condition, or to any person who has
13 been convicted twice within a five-year period of violating state
14 law, county or municipal ordinance of driving while intoxicated,
15 or any other intoxication-related traffic offense as defined in
16 section 577.023, except that, after the expiration of five years
17 from the date of conviction of the last offense of violating such
18 law or ordinance, a person who was so convicted may petition the
19 circuit court of the county in which such last conviction was
20 rendered and the court shall review the person's habits and
21 conduct since such conviction, including the results of a
22 criminal history check as defined in section 302.010. If the
23 court finds that the petitioner has not been convicted, pled
24 guilty to, or been found guilty of, and has no pending charges
25 for any offense related to alcohol, controlled substances, or
26 drugs and has no other alcohol-related enforcement contacts as
27 defined in section 302.525 during the preceding five years, and
28 that the petitioner's habits and conduct show such petitioner to

1 no longer pose a threat to the public safety of this state, the
2 court ~~may~~ shall order the director to issue a license to the
3 petitioner if the petitioner is otherwise qualified pursuant to
4 the provisions of sections 302.010 to 302.540;

5 (11) To any person who is otherwise disqualified pursuant
6 to the provisions of sections 302.010 to 302.780, chapter 303, or
7 section 544.046;

8 (12) To any person who is under the age of eighteen years,
9 if such person's parents or legal guardians file a certified
10 document with the department of revenue stating that the director
11 shall not issue such person a driver's license. Each document
12 filed by the person's parents or legal guardians shall be made
13 upon a form furnished by the director and shall include
14 identifying information of the person for whom the parents or
15 legal guardians are denying the driver's license. The document
16 shall also contain identifying information of the person's
17 parents or legal guardians. The document shall be certified by
18 the parents or legal guardians to be true and correct. This
19 provision shall not apply to any person who is legally
20 emancipated. The parents or legal guardians may later file an
21 additional document with the department of revenue which
22 reinstates the person's ability to receive a driver's license.

23 2. Any person whose license is reinstated under the
24 provisions of ~~[subdivisions (9) and (10)]~~ subdivision (9) or (10)
25 of subsection 1 of this section shall be required to file proof
26 with the director of revenue that any motor vehicle operated by
27 the person is equipped with a functioning, certified ignition
28 interlock device as a required condition of reinstatement. The

1 ignition interlock device required for reinstatement under this
2 subsection and for obtaining a limited driving privilege under
3 paragraph (a) or (b) of subdivision (8) of subsection 3 of
4 section 302.309 shall have photo identification technology and
5 global positioning system features. The ignition interlock
6 device shall further be required to be maintained on all motor
7 vehicles operated by the person for a period of not less than six
8 months immediately following the date of reinstatement. If the
9 monthly monitoring reports show that the ignition interlock
10 device has registered any confirmed blood alcohol concentration
11 readings above the alcohol setpoint established by the department
12 of transportation or that the person has tampered with or
13 circumvented the ignition interlock device, then the period for
14 which the person must maintain the ignition interlock device
15 following the date of reinstatement shall be extended for an
16 additional six months. If the person fails to maintain such
17 proof with the director, the license shall be suspended for the
18 remainder of the six-month period or until proof as required by
19 this section is filed with the director. Upon the completion of
20 the six-month period, the license shall be shown as reinstated,
21 if the person is otherwise eligible.

22 3. Any person who petitions the court for reinstatement of
23 his or her license pursuant to subdivision (9) or (10) of
24 subsection 1 of this section shall make application with the
25 Missouri state highway patrol as provided in section 43.540, and
26 shall submit two sets of fingerprints collected pursuant to
27 standards as determined by the highway patrol. One set of
28 fingerprints shall be used by the highway patrol to search the

1 criminal history repository and the second set shall be forwarded
2 to the Federal Bureau of Investigation for searching the federal
3 criminal history files. At the time of application, the
4 applicant shall supply to the highway patrol the court name and
5 case number for the court where he or she has filed his or her
6 petition for reinstatement. The applicant shall pay the fee for
7 the state criminal history check pursuant to section 43.530 and
8 pay the appropriate fee determined by the Federal Bureau of
9 Investigation for the federal criminal history record. The
10 Missouri highway patrol, upon receipt of the results of the
11 criminal history check, shall forward a copy of the results to
12 the circuit court designated by the applicant and to the
13 department. Notwithstanding the provisions of section 610.120,
14 all records related to any criminal history check shall be
15 accessible and available to the director and the court.

16 [302.060. 1. The director shall not issue any
17 license and shall immediately deny any driving
18 privilege:

19 (1) To any person who is under the age of
20 eighteen years, if such person operates a motor vehicle
21 in the transportation of persons or property as
22 classified in section 302.015;

23 (2) To any person who is under the age of sixteen
24 years, except as hereinafter provided;

25 (3) To any person whose license has been
26 suspended, during such suspension, or to any person
27 whose license has been revoked, until the expiration of
28 one year after such license was revoked;

29 (4) To any person who is an habitual drunkard or
30 is addicted to the use of narcotic drugs;

31 (5) To any person who has previously been
32 adjudged to be incapacitated and who at the time of
33 application has not been restored to partial capacity;

34 (6) To any person who, when required by this law
35 to take an examination, has failed to pass such
36 examination;

37 (7) To any person who has an unsatisfied judgment
38 against such person, as defined in chapter 303, until
39 such judgment has been satisfied or the financial

1 responsibility of such person, as defined in section
2 303.120, has been established;

3 (8) To any person whose application shows that
4 the person has been convicted within one year prior to
5 such application of violating the laws of this state
6 relating to failure to stop after an accident and to
7 disclose the person's identity or driving a motor
8 vehicle without the owner's consent;

9 (9) To any person who has been convicted more
10 than twice of violating state law, or a county or
11 municipal ordinance where the defendant was represented
12 by or waived the right to an attorney in writing,
13 relating to driving while intoxicated; except that,
14 after the expiration of ten years from the date of
15 conviction of the last offense of violating such law or
16 ordinance relating to driving while intoxicated, a
17 person who was so convicted may petition the circuit
18 court of the county in which such last conviction was
19 rendered and the court shall review the person's habits
20 and conduct since such conviction, including the
21 results of a criminal history check as defined in
22 section 302.010. If the court finds that the
23 petitioner has not been convicted, pled guilty to or
24 been found guilty of, and has no pending charges for
25 any offense related to alcohol, controlled substances
26 or drugs and has no other alcohol-related enforcement
27 contacts as defined in section 302.525 during the
28 preceding ten years and that the petitioner's habits
29 and conduct show such petitioner to no longer pose a
30 threat to the public safety of this state, the court
31 may order the director to issue a license to the
32 petitioner if the petitioner is otherwise qualified
33 pursuant to the provisions of sections 302.010 to
34 302.540. No person may obtain a license pursuant to
35 the provisions of this subdivision through court action
36 more than one time;

37 (10) To any person who has pled guilty to or been
38 convicted of the crime of involuntary manslaughter
39 while operating a motor vehicle in an intoxicated
40 condition, or to any person who has been convicted
41 twice within a five-year period of violating state law,
42 county or municipal ordinance of driving while
43 intoxicated, or any other intoxication-related traffic
44 offense as defined in section 577.023, except that,
45 after the expiration of five years from the date of
46 conviction of the last offense of violating such law or
47 ordinance, a person who was so convicted may petition
48 the circuit court of the county in which such last
49 conviction was rendered and the court shall review the
50 person's habits and conduct since such conviction,
51 including the results of a criminal history check as

1 defined in section 302.010. If the court finds that
2 the petitioner has not been convicted, pled guilty to,
3 or been found guilty of, and has no pending charges for
4 any offense related to alcohol, controlled substances,
5 or drugs and has no other alcohol-related enforcement
6 contacts as defined in section 302.525 during the
7 preceding five years, and that the petitioner's habits
8 and conduct show such petitioner to no longer pose a
9 threat to the public safety of this state, the court
10 may order the director to issue a license to the
11 petitioner if the petitioner is otherwise qualified
12 pursuant to the provisions of sections 302.010 to
13 302.540;

14 (11) To any person who is otherwise disqualified
15 pursuant to the provisions of sections 302.010 to
16 302.780, chapter 303, or section 544.046;

17 (12) To any person who is under the age of
18 eighteen years, if such person's parents or legal
19 guardians file a certified document with the department
20 of revenue stating that the director shall not issue
21 such person a driver's license. Each document filed by
22 the person's parents or legal guardians shall be made
23 upon a form furnished by the director and shall include
24 identifying information of the person for whom the
25 parents or legal guardians are denying the driver's
26 license. The document shall also contain identifying
27 information of the person's parents or legal guardians.
28 The document shall be certified by the parents or legal
29 guardians to be true and correct. This provision shall
30 not apply to any person who is legally emancipated.
31 The parents or legal guardians may later file an
32 additional document with the department of revenue
33 which reinstates the person's ability to receive a
34 driver's license.

35 2. Any person whose license is reinstated under
36 the provisions of subdivisions (9) and (10) of
37 subsection 1 of this section shall be required to file
38 proof with the director of revenue that any motor
39 vehicle operated by the person is equipped with a
40 functioning, certified ignition interlock device as a
41 required condition of reinstatement. The ignition
42 interlock device shall further be required to be
43 maintained on all motor vehicles operated by the person
44 for a period of not less than six months immediately
45 following the date of reinstatement. If the person
46 fails to maintain such proof with the director, the
47 license shall be suspended for the remainder of the
48 six-month period or until proof as required by this
49 section is filed with the director. Upon the
50 completion of the six-month period, the license shall
51 be shown as reinstated, if the person is otherwise

1 eligible.

2 3. Any person who petitions the court for
3 reinstatement of his or her license pursuant to
4 subdivision (9) or (10) of subsection 1 of this section
5 shall make application with the Missouri state highway
6 patrol as provided in section 43.540, and shall submit
7 two sets of fingerprints collected pursuant to
8 standards as determined by the highway patrol. One set
9 of fingerprints shall be used by the highway patrol to
10 search the criminal history repository and the second
11 set shall be forwarded to the Federal Bureau of
12 Investigation for searching the federal criminal
13 history files. At the time of application, the
14 applicant shall supply to the highway patrol the court
15 name and case number for the court where he or she has
16 filed his or her petition for reinstatement. The
17 applicant shall pay the fee for the state criminal
18 history check pursuant to section 43.530 and pay the
19 appropriate fee determined by the Federal Bureau of
20 Investigation for the federal criminal history record.
21 The Missouri highway patrol, upon receipt of the
22 results of the criminal history check, shall forward a
23 copy of the results to the circuit court designated by
24 the applicant and to the department. Notwithstanding
25 the provisions of section 610.120, all records related
26 to any criminal history check shall be accessible and
27 available to the director and the court.】

28 302.302. 1. The director of revenue shall put into effect
29 a point system for the suspension and revocation of licenses.
30 Points shall be assessed only after a conviction or forfeiture of
31 collateral. The initial point value is as follows:

32 (1) Any moving violation of a state
33 law or county or municipal or federal traffic
34 ordinance or regulation not listed in this
35 section, other than a violation of vehicle
36 equipment provisions or a court-ordered
37 supervision as provided in section 302.303. 2 points
38 (except any violation of municipal stop sign
39 ordinance where no accident is involved.. . . . 1 point)

40 (2) Speeding

1	In violation of a state law	3 points
2	In violation of a county or municipal	
3	ordinance.. . . .	2 points
4	(3) Leaving the scene of an accident	
5	in violation of section 577.060.. . . .	12 points
6	In violation of any county or municipal	
7	ordinance.. . . .	6 points
8	(4) Careless and imprudent driving	
9	in violation of subsection 4 of section 304.016.. . .	4 points
10	In violation of a county or municipal	
11	ordinance.. . . .	2 points
12	(5) Operating without a valid license	
13	in violation of subdivision (1) or (2) of	
14	subsection 1 of section 302.020:	
15	(a) For the first conviction	2 points
16	(b) For the second conviction.. . . .	4 points
17	(c) For the third conviction.	6 points
18	(6) Operating with a suspended or	
19	revoked license prior to restoration of	
20	operating privileges.	12 points
21	(7) Obtaining a license by	
22	misrepresentation	12 points
23	(8) For the first conviction of	
24	driving while in an intoxicated condition	
25	or under the influence of controlled	
26	substances or drugs.. . . .	8 points
27	(9) For the second or subsequent	
28	conviction of any of the following offenses	

1 however combined: driving while in an
 2 intoxicated condition, driving under the
 3 influence of controlled substances or drugs
 4 or driving with a blood alcohol content of
 5 eight-hundredths of one percent or more by
 6 weight. 12 points
 7 (10) For the first conviction for driving
 8 with blood alcohol content eight-hundredths
 9 of one percent or more by weight
 10 In violation of state law.. . . . 8 points
 11 In violation of a county or municipal
 12 ordinance or federal law or regulation. 8 points
 13 (11) Any felony involving the use
 14 of a motor vehicle. 12 points
 15 (12) Knowingly permitting unlicensed
 16 operator to operate a motor vehicle..4 points
 17 (13) For a conviction for failure to
 18 maintain financial responsibility pursuant
 19 to county or municipal ordinance or pursuant
 20 to section 303.025. 4 points
 21 (14) Endangerment of a highway worker
 22 in violation of section 304.585.. 4 points
 23 (15) Aggravated endangerment of a
 24 highway worker in violation of section 304.585. . . . 12 points
 25 (16) For a conviction of violating a
 26 municipal ordinance that prohibits tow truck
 27 operators from stopping at or proceeding to
 28 the scene of an accident unless they have

1 been requested to stop or proceed to such
2 scene by a party involved in such accident
3 or by an officer of a public safety agency. 4 points

4 2. The director shall, as provided in subdivision (5) of
5 subsection 1 of this section, assess an operator points for a
6 conviction pursuant to subdivision (1) or (2) of subsection 1 of
7 section 302.020, when the director issues such operator a license
8 or permit pursuant to the provisions of sections 302.010 to
9 302.340.

10 3. An additional two points shall be assessed when personal
11 injury or property damage results from any violation listed in
12 subdivisions (1) to (13) of subsection 1 of this section and if
13 found to be warranted and certified by the reporting court.

14 4. When any of the acts listed in subdivision (2), (3), (4)
15 or (8) of subsection 1 of this section constitutes both a
16 violation of a state law and a violation of a county or municipal
17 ordinance, points may be assessed for either violation but not
18 for both. Notwithstanding that an offense arising out of the
19 same occurrence could be construed to be a violation of
20 subdivisions (8), (9) and (10) of subsection 1 of this section,
21 no person shall be tried or convicted for more than one offense
22 pursuant to subdivisions (8), (9) and (10) of subsection 1 of
23 this section for offenses arising out of the same occurrence.

24 5. The director of revenue shall put into effect a system
25 for staying the assessment of points against an operator. The
26 system shall provide that the satisfactory completion of a
27 driver-improvement program or, in the case of violations
28 committed while operating a motorcycle, a motorcycle-rider

1 training course approved by the state highways and transportation
2 commission, by an operator, when so ordered and verified by any
3 court having jurisdiction over any law of this state or county or
4 municipal ordinance, regulating motor vehicles, other than a
5 violation committed in a commercial motor vehicle as defined in
6 section 302.700 or a violation committed by an individual who has
7 been issued a commercial driver's license or is required to
8 obtain a commercial driver's license in this state or any other
9 state, shall be accepted by the director in lieu of the
10 assessment of points for a violation pursuant to subdivision (1),
11 (2) or (4) of subsection 1 of this section or pursuant to
12 subsection 3 of this section. The operator shall be given the
13 option to complete the driver-improvement program through an
14 online or in-person course. A court using a centralized
15 violation bureau established under section 476.385 may elect to
16 have the bureau order and verify completion of a driver-
17 improvement program or motorcycle-rider training course as
18 prescribed by order of the court. For the purposes of this
19 subsection, the driver-improvement program shall meet or exceed
20 the standards of the National Safety Council's eight-hour
21 "Defensive Driving Course" or, in the case of a violation which
22 occurred during the operation of a motorcycle, the program shall
23 meet the standards established by the state highways and
24 transportation commission pursuant to sections 302.133 to
25 302.137. The completion of a driver-improvement program or a
26 motorcycle-rider training course shall not be accepted in lieu of
27 points more than one time in any thirty-six-month period and
28 shall be completed within sixty days of the date of conviction in

1 order to be accepted in lieu of the assessment of points. Every
2 court having jurisdiction pursuant to the provisions of this
3 subsection shall, within fifteen days after completion of the
4 driver-improvement program or motorcycle-rider training course by
5 an operator, forward a record of the completion to the director,
6 all other provisions of the law to the contrary notwithstanding.
7 The director shall establish procedures for record keeping and
8 the administration of this subsection.

9 302.304. 1. The director shall notify by ordinary mail any
10 operator of the point value charged against the operator's record
11 when the record shows four or more points have been accumulated
12 in a twelve-month period.

13 2. In an action to suspend or revoke a license or driving
14 privilege under this section points shall be accumulated on the
15 date of conviction. No case file of any conviction for a driving
16 violation for which points may be assessed pursuant to section
17 302.302 may be closed until such time as a copy of the record of
18 such conviction is forwarded to the department of revenue.

19 3. The director shall suspend the license and driving
20 privileges of any person whose driving record shows the driver
21 has accumulated eight points in eighteen months.

22 4. The license and driving privilege of any person whose
23 license and driving privilege have been suspended under the
24 provisions of sections 302.010 to 302.540 except those persons
25 whose license and driving privilege have been suspended under the
26 provisions of subdivision (8) of subsection 1 of section 302.302
27 or has accumulated sufficient points together with a conviction
28 under subdivision (10) of subsection 1 of section 302.302 and who

1 has filed proof of financial responsibility with the department
2 of revenue, in accordance with chapter 303, and is otherwise
3 eligible, shall be reinstated as follows:

4 (1) In the case of an initial suspension, thirty days after
5 the effective date of the suspension;

6 (2) In the case of a second suspension, sixty days after
7 the effective date of the suspension;

8 (3) In the case of the third and subsequent suspensions,
9 ninety days after the effective date of the suspension.

10 Unless proof of financial responsibility is filed with the
11 department of revenue, a suspension shall continue in effect for
12 two years from its effective date.

13 5. The period of suspension of the driver's license and
14 driving privilege of any person under the provisions of
15 subdivision (8) of subsection 1 of section 302.302 or who has
16 accumulated sufficient points together with a conviction under
17 subdivision (10) of subsection 1 of section 302.302 shall be
18 thirty days, followed by a sixty-day period of restricted driving
19 privilege as defined in section 302.010. Upon completion of such
20 period of restricted driving privilege, upon compliance with
21 other requirements of law and upon filing of proof of financial
22 responsibility with the department of revenue, in accordance with
23 chapter 303, the license and driving privilege shall be
24 reinstated. If a person, otherwise subject to the provisions of
25 this subsection, files proof of installation with the department
26 of revenue that any vehicle operated by such person is equipped
27 with a functioning, certified ignition interlock device, [then
28 the] there shall be no period of suspension [shall be fifteen

1 days, followed by a seventy-five day]. However, in lieu of a
2 suspension the person shall instead complete a ninety-day period
3 of restricted driving privilege. If the person fails to maintain
4 such proof of the device with the director of revenue as
5 required, the restricted driving privilege shall be terminated.
6 Upon completion of such [seventy-five day] ninety-day period of
7 restricted driving privilege, upon compliance with other
8 requirements of law, and upon filing of proof of financial
9 responsibility with the department of revenue, in accordance with
10 chapter 303, the license and driving privilege shall be
11 reinstated. However, if the monthly monitoring reports during
12 such [seventy-five day] ninety-day period indicate that the
13 ignition interlock device has registered a confirmed blood
14 alcohol concentration level above the alcohol setpoint
15 established by the department of transportation or such reports
16 indicate that the ignition interlock device has been tampered
17 with or circumvented, then the license and driving privilege of
18 such person shall not be reinstated until the person completes an
19 additional [seventy-five day] thirty-day period of restricted
20 driving privilege [without any such violations].

21 6. If the person fails to maintain proof of financial
22 responsibility in accordance with chapter 303, or, if applicable,
23 if the person fails to maintain proof that any vehicle operated
24 is equipped with a functioning, certified ignition interlock
25 device installed pursuant to subsection 5 of this section, the
26 person's driving privilege and license shall be resuspended.

27 7. The director shall revoke the license and driving
28 privilege of any person when the person's driving record shows

1 such person has accumulated twelve points in twelve months or
2 eighteen points in twenty-four months or twenty-four points in
3 thirty-six months. The revocation period of any person whose
4 license and driving privilege have been revoked under the
5 provisions of sections 302.010 to 302.540 and who has filed proof
6 of financial responsibility with the department of revenue in
7 accordance with chapter 303 and is otherwise eligible, shall be
8 terminated by a notice from the director of revenue after one
9 year from the effective date of the revocation. Unless proof of
10 financial responsibility is filed with the department of revenue,
11 except as provided in subsection 2 of section 302.541, the
12 revocation shall remain in effect for a period of two years from
13 its effective date. If the person fails to maintain proof of
14 financial responsibility in accordance with chapter 303, the
15 person's license and driving privilege shall be rerevoked. Any
16 person whose license and driving privilege have been revoked
17 under the provisions of sections 302.010 to 302.540 shall, upon
18 receipt of the notice of termination of the revocation from the
19 director, pass the complete driver examination and apply for a
20 new license before again operating a motor vehicle upon the
21 highways of this state.

22 8. If, prior to conviction for an offense that would
23 require suspension or revocation of a person's license under the
24 provisions of this section, the person's total points accumulated
25 are reduced, pursuant to the provisions of section 302.306, below
26 the number of points required for suspension or revocation
27 pursuant to the provisions of this section, then the person's
28 license shall not be suspended or revoked until the necessary

1 points are again obtained and accumulated.

2 9. If any person shall neglect or refuse to surrender the
3 person's license, as provided herein, the director shall direct
4 the state highway patrol or any peace or police officer to secure
5 possession thereof and return it to the director.

6 10. Upon the issuance of a reinstatement or termination
7 notice after a suspension or revocation of any person's license
8 and driving privilege under the provisions of sections 302.010 to
9 302.540, the accumulated point value shall be reduced to four
10 points, except that the points of any person serving as a member
11 of the Armed Forces of the United States outside the limits of
12 the United States during a period of suspension or revocation
13 shall be reduced to zero upon the date of the reinstatement or
14 termination of notice. It shall be the responsibility of such
15 member of the Armed Forces to submit copies of official orders to
16 the director of revenue to substantiate such overseas service.
17 Any other provision of sections 302.010 to 302.540 to the
18 contrary notwithstanding, the effective date of the four points
19 remaining on the record upon reinstatement or termination shall
20 be the date of the reinstatement or termination notice.

21 11. No credit toward reduction of points shall be given
22 during periods of suspension or revocation or any period of
23 driving under a limited driving privilege granted by a court or
24 the director of revenue.

25 12. Any person or nonresident whose license or privilege to
26 operate a motor vehicle in this state has been suspended or
27 revoked under this or any other law shall, before having the
28 license or privilege to operate a motor vehicle reinstated, pay

1 to the director a reinstatement fee of twenty dollars which shall
2 be in addition to all other fees provided by law.

3 13. Notwithstanding any other provision of law to the
4 contrary, if after two years from the effective date of any
5 suspension or revocation issued under this chapter, the person or
6 nonresident has not paid the reinstatement fee of twenty dollars,
7 the director shall reinstate such license or privilege to operate
8 a motor vehicle in this state.

9 14. No person who has had a license to operate a motor
10 vehicle suspended or revoked as a result of an assessment of
11 points for a violation under subdivision (8), (9) or (10) of
12 subsection 1 of section 302.302 shall have that license
13 reinstated until such person has participated in and successfully
14 completed a substance abuse traffic offender program defined in
15 section 302.010, or a program determined to be comparable by the
16 department of mental health. Assignment recommendations, based
17 upon the needs assessment as described in subdivision [(22)] (24)
18 of section 302.010, shall be delivered in writing to the person
19 with written notice that the person is entitled to have such
20 assignment recommendations reviewed by the court if the person
21 objects to the recommendations. The person may file a motion in
22 the associate division of the circuit court of the county in
23 which such assignment was given, on a printed form provided by
24 the state courts administrator, to have the court hear and
25 determine such motion pursuant to the provisions of chapter 517.
26 The motion shall name the person or entity making the needs
27 assessment as the respondent and a copy of the motion shall be
28 served upon the respondent in any manner allowed by law. Upon

1 hearing the motion, the court may modify or waive any assignment
2 recommendation that the court determines to be unwarranted based
3 upon a review of the needs assessment, the person's driving
4 record, the circumstances surrounding the offense, and the
5 likelihood of the person committing a like offense in the future,
6 except that the court may modify but may not waive the assignment
7 to an education or rehabilitation program of a person determined
8 to be a prior or persistent offender as defined in section
9 577.023 or of a person determined to have operated a motor
10 vehicle with fifteen-hundredths of one percent or more by weight
11 in such person's blood. Compliance with the court determination
12 of the motion shall satisfy the provisions of this section for
13 the purpose of reinstating such person's license to operate a
14 motor vehicle. The respondent's personal appearance at any
15 hearing conducted pursuant to this subsection shall not be
16 necessary unless directed by the court.

17 15. The fees for the program authorized in subsection 14 of
18 this section, or a portion thereof to be determined by the
19 department of mental health, shall be paid by the person enrolled
20 in the program. Any person who is enrolled in the program shall
21 pay, in addition to any fee charged for the program, a
22 supplemental fee in an amount to be determined by the department
23 of mental health for the purposes of funding the substance abuse
24 traffic offender program defined in section 302.010 and section
25 577.001 or a program determined to be comparable by the
26 department of mental health. The administrator of the program
27 shall remit to the division of alcohol and drug abuse of the
28 department of mental health on or before the fifteenth day of

1 each month the supplemental fee for all persons enrolled in the
2 program, less two percent for administrative costs. Interest
3 shall be charged on any unpaid balance of the supplemental fees
4 due the division of alcohol and drug abuse pursuant to this
5 section and shall accrue at a rate not to exceed the annual rate
6 established pursuant to the provisions of section 32.065, plus
7 three percentage points. The supplemental fees and any interest
8 received by the department of mental health pursuant to this
9 section shall be deposited in the mental health earnings fund
10 which is created in section 630.053.

11 16. Any administrator who fails to remit to the division of
12 alcohol and drug abuse of the department of mental health the
13 supplemental fees and interest for all persons enrolled in the
14 program pursuant to this section shall be subject to a penalty
15 equal to the amount of interest accrued on the supplemental fees
16 due the division pursuant to this section. If the supplemental
17 fees, interest, and penalties are not remitted to the division of
18 alcohol and drug abuse of the department of mental health within
19 six months of the due date, the attorney general of the state of
20 Missouri shall initiate appropriate action of the collection of
21 said fees and interest accrued. The court shall assess attorney
22 fees and court costs against any delinquent program.

23 17. Any person who has had a license to operate a motor
24 vehicle suspended or revoked as a result of an assessment of
25 points for a [violation under subdivision (9) of subsection 1 of
26 section 302.302] conviction for an intoxication-related traffic
27 offense as defined under section 577.023, and who has a prior
28 alcohol-related enforcement contact as defined under section

1 302.525, shall be required to file proof with the director of
2 revenue that any motor vehicle operated by the person is equipped
3 with a functioning, certified ignition interlock device as a
4 required condition of reinstatement of the license. The ignition
5 interlock device shall further be required to be maintained on
6 all motor vehicles operated by the person for a period of not
7 less than six months immediately following the date of
8 reinstatement. If the monthly monitoring reports show that the
9 ignition interlock device has registered any confirmed blood
10 alcohol concentration readings above the alcohol setpoint
11 established by the department of transportation or that the
12 person has tampered with or circumvented the ignition interlock
13 device, then the period for which the person must maintain the
14 ignition interlock device following the date of reinstatement
15 shall be extended for an additional six months. If the person
16 fails to maintain such proof with the director, the license shall
17 be resuspended or revoked and the person shall be guilty of a
18 class A misdemeanor.

19 [302.304. 1. The director shall notify by
20 ordinary mail any operator of the point value charged
21 against the operator's record when the record shows
22 four or more points have been accumulated in a twelve-
23 month period.

24 2. In an action to suspend or revoke a license or
25 driving privilege under this section points shall be
26 accumulated on the date of conviction. No case file of
27 any conviction for a driving violation for which points
28 may be assessed pursuant to section 302.302 may be
29 closed until such time as a copy of the record of such
30 conviction is forwarded to the department of revenue.

31 3. The director shall suspend the license and
32 driving privileges of any person whose driving record
33 shows the driver has accumulated eight points in
34 eighteen months.

35 4. The license and driving privilege of any
36 person whose license and driving privilege have been

1 suspended under the provisions of sections 302.010 to
2 302.540 except those persons whose license and driving
3 privilege have been suspended under the provisions of
4 subdivision (8) of subsection 1 of section 302.302 or
5 has accumulated sufficient points together with a
6 conviction under subdivision (10) of subsection 1 of
7 section 302.302 and who has filed proof of financial
8 responsibility with the department of revenue, in
9 accordance with chapter 303, and is otherwise eligible,
10 shall be reinstated as follows:

11 (1) In the case of an initial suspension, thirty
12 days after the effective date of the suspension;

13 (2) In the case of a second suspension, sixty
14 days after the effective date of the suspension;

15 (3) In the case of the third and subsequent
16 suspensions, ninety days after the effective date of
17 the suspension.

18 Unless proof of financial responsibility is filed with
19 the department of revenue, a suspension shall continue
20 in effect for two years from its effective date.

21 5. The period of suspension of the driver's
22 license and driving privilege of any person under the
23 provisions of subdivision (8) of subsection 1 of
24 section 302.302 or who has accumulated sufficient
25 points together with a conviction under subdivision
26 (10) of subsection 1 of section 302.302 shall be thirty
27 days, followed by a sixty-day period of restricted
28 driving privilege as defined in section 302.010. Upon
29 completion of such period of restricted driving
30 privilege, upon compliance with other requirements of
31 law and upon filing of proof of financial
32 responsibility with the department of revenue, in
33 accordance with chapter 303, the license and driving
34 privilege shall be reinstated.

35 6. If the person fails to maintain proof of
36 financial responsibility in accordance with chapter
37 303, the person's driving privilege and license shall
38 be resuspended.

39 7. The director shall revoke the license and
40 driving privilege of any person when the person's
41 driving record shows such person has accumulated twelve
42 points in twelve months or eighteen points in twenty-
43 four months or twenty-four points in thirty-six months.
44 The revocation period of any person whose license and
45 driving privilege have been revoked under the
46 provisions of sections 302.010 to 302.540 and who has
47 filed proof of financial responsibility with the
48 department of revenue in accordance with chapter 303
49 and is otherwise eligible, shall be terminated by a
50 notice from the director of revenue after one year from
51 the effective date of the revocation. Unless proof of

1 financial responsibility is filed with the department
2 of revenue, except as provided in subsection 2 of
3 section 302.541, the revocation shall remain in effect
4 for a period of two years from its effective date. If
5 the person fails to maintain proof of financial
6 responsibility in accordance with chapter 303, the
7 person's license and driving privilege shall be
8 rerevoked. Any person whose license and driving
9 privilege have been revoked under the provisions of
10 sections 302.010 to 302.540 shall, upon receipt of the
11 notice of termination of the revocation from the
12 director, pass the complete driver examination and
13 apply for a new license before again operating a motor
14 vehicle upon the highways of this state.

15 8. If, prior to conviction for an offense that
16 would require suspension or revocation of a person's
17 license under the provisions of this section, the
18 person's total points accumulated are reduced, pursuant
19 to the provisions of section 302.306, below the number
20 of points required for suspension or revocation
21 pursuant to the provisions of this section, then the
22 person's license shall not be suspended or revoked
23 until the necessary points are again obtained and
24 accumulated.

25 9. If any person shall neglect or refuse to
26 surrender the person's license, as provided herein, the
27 director shall direct the state highway patrol or any
28 peace or police officer to secure possession thereof
29 and return it to the director.

30 10. Upon the issuance of a reinstatement or
31 termination notice after a suspension or revocation of
32 any person's license and driving privilege under the
33 provisions of sections 302.010 to 302.540, the
34 accumulated point value shall be reduced to four
35 points, except that the points of any person serving as
36 a member of the Armed Forces of the United States
37 outside the limits of the United States during a period
38 of suspension or revocation shall be reduced to zero
39 upon the date of the reinstatement or termination of
40 notice. It shall be the responsibility of such member
41 of the Armed Forces to submit copies of official orders
42 to the director of revenue to substantiate such
43 overseas service. Any other provision of sections
44 302.010 to 302.540 to the contrary notwithstanding, the
45 effective date of the four points remaining on the
46 record upon reinstatement or termination shall be the
47 date of the reinstatement or termination notice.

48 11. No credit toward reduction of points shall be
49 given during periods of suspension or revocation or any
50 period of driving under a limited driving privilege
51 granted by a court or the director of revenue.

1 12. Any person or nonresident whose license or
2 privilege to operate a motor vehicle in this state has
3 been suspended or revoked under this or any other law
4 shall, before having the license or privilege to
5 operate a motor vehicle reinstated, pay to the director
6 a reinstatement fee of twenty dollars which shall be in
7 addition to all other fees provided by law.

8 13. Notwithstanding any other provision of law to
9 the contrary, if after two years from the effective
10 date of any suspension or revocation issued under this
11 chapter, the person or nonresident has not paid the
12 reinstatement fee of twenty dollars, the director shall
13 reinstate such license or privilege to operate a motor
14 vehicle in this state.

15 14. No person who has had a license to operate a
16 motor vehicle suspended or revoked as a result of an
17 assessment of points for a violation under subdivision
18 (8), (9) or (10) of subsection 1 of section 302.302
19 shall have that license reinstated until such person
20 has participated in and successfully completed a
21 substance abuse traffic offender program defined in
22 section 302.010, or a program determined to be
23 comparable by the department of mental health.
24 Assignment recommendations, based upon the needs
25 assessment as described in subdivision (22) of section
26 302.010, shall be delivered in writing to the person
27 with written notice that the person is entitled to have
28 such assignment recommendations reviewed by the court
29 if the person objects to the recommendations. The
30 person may file a motion in the associate division of
31 the circuit court of the county in which such
32 assignment was given, on a printed form provided by the
33 state courts administrator, to have the court hear and
34 determine such motion pursuant to the provisions of
35 chapter 517. The motion shall name the person or
36 entity making the needs assessment as the respondent
37 and a copy of the motion shall be served upon the
38 respondent in any manner allowed by law. Upon hearing
39 the motion, the court may modify or waive any
40 assignment recommendation that the court determines to
41 be unwarranted based upon a review of the needs
42 assessment, the person's driving record, the
43 circumstances surrounding the offense, and the
44 likelihood of the person committing a like offense in
45 the future, except that the court may modify but may
46 not waive the assignment to an education or
47 rehabilitation program of a person determined to be a
48 prior or persistent offender as defined in section
49 577.023 or of a person determined to have operated a
50 motor vehicle with fifteen-hundredths of one percent or
51 more by weight in such person's blood. Compliance with

1 the court determination of the motion shall satisfy the
2 provisions of this section for the purpose of
3 reinstating such person's license to operate a motor
4 vehicle. The respondent's personal appearance at any
5 hearing conducted pursuant to this subsection shall not
6 be necessary unless directed by the court.

7 15. The fees for the program authorized in
8 subsection 14 of this section, or a portion thereof to
9 be determined by the department of mental health, shall
10 be paid by the person enrolled in the program. Any
11 person who is enrolled in the program shall pay, in
12 addition to any fee charged for the program, a
13 supplemental fee in an amount to be determined by the
14 department of mental health for the purposes of funding
15 the substance abuse traffic offender program defined in
16 section 302.010 and section 577.001 or a program
17 determined to be comparable by the department of mental
18 health. The administrator of the program shall remit
19 to the division of alcohol and drug abuse of the
20 department of mental health on or before the fifteenth
21 day of each month the supplemental fee for all persons
22 enrolled in the program, less two percent for
23 administrative costs. Interest shall be charged on any
24 unpaid balance of the supplemental fees due the
25 division of alcohol and drug abuse pursuant to this
26 section and shall accrue at a rate not to exceed the
27 annual rate established pursuant to the provisions of
28 section 32.065, plus three percentage points. The
29 supplemental fees and any interest received by the
30 department of mental health pursuant to this section
31 shall be deposited in the mental health earnings fund
32 which is created in section 630.053.

33 16. Any administrator who fails to remit to the
34 division of alcohol and drug abuse of the department of
35 mental health the supplemental fees and interest for
36 all persons enrolled in the program pursuant to this
37 section shall be subject to a penalty equal to the
38 amount of interest accrued on the supplemental fees due
39 the division pursuant to this section. If the
40 supplemental fees, interest, and penalties are not
41 remitted to the division of alcohol and drug abuse of
42 the department of mental health within six months of
43 the due date, the attorney general of the state of
44 Missouri shall initiate appropriate action of the
45 collection of said fees and interest accrued. The
46 court shall assess attorney fees and court costs
47 against any delinquent program.

48 17. Any person who has had a license to operate a
49 motor vehicle suspended or revoked as a result of an
50 assessment of points for a violation under subdivision
51 (9) of subsection 1 of section 302.302 shall be

1 required to file proof with the director of revenue
2 that any motor vehicle operated by the person is
3 equipped with a functioning, certified ignition
4 interlock device as a required condition of
5 reinstatement of the license. The ignition interlock
6 device shall further be required to be maintained on
7 all motor vehicles operated by the person for a period
8 of not less than six months immediately following the
9 date of reinstatement. If the person fails to maintain
10 such proof with the director, the license shall be
11 resuspended or revoked and the person shall be guilty
12 of a class A misdemeanor.]

13
14 [302.309. 1. Whenever any license is suspended
15 pursuant to sections 302.302 to 302.309, the director
16 of revenue shall return the license to the operator
17 immediately upon the termination of the period of
18 suspension and upon compliance with the requirements of
19 chapter 303.

20 2. Any operator whose license is revoked pursuant
21 to these sections, upon the termination of the period
22 of revocation, shall apply for a new license in the
23 manner prescribed by law.

24 3. (1) All circuit courts, the director of
25 revenue, or a commissioner operating under section
26 478.007 shall have jurisdiction to hear applications
27 and make eligibility determinations granting limited
28 driving privileges. Any application may be made in
29 writing to the director of revenue and the person's
30 reasons for requesting the limited driving privilege
31 shall be made therein.

32 (2) When any court of record having jurisdiction
33 or the director of revenue finds that an operator is
34 required to operate a motor vehicle in connection with
35 any of the following:

- 36 (a) A business, occupation, or employment;
37 (b) Seeking medical treatment for such operator;
38 (c) Attending school or other institution of
39 higher education;
40 (d) Attending alcohol or drug treatment programs;
41 (e) Seeking the required services of a certified
42 ignition interlock device provider; or
43 (f) Any other circumstance the court or director
44 finds would create an undue hardship on the operator;

45
46 the court or director may grant such limited driving
47 privilege as the circumstances of the case justify if
48 the court or director finds undue hardship would result
49 to the individual, and while so operating a motor
50 vehicle within the restrictions and limitations of the
51 limited driving privilege the driver shall not be

1 guilty of operating a motor vehicle without a valid
2 license.

3 (3) An operator may make application to the
4 proper court in the county in which such operator
5 resides or in the county in which is located the
6 operator's principal place of business or employment.
7 Any application for a limited driving privilege made to
8 a circuit court shall name the director as a party
9 defendant and shall be served upon the director prior
10 to the grant of any limited privilege, and shall be
11 accompanied by a copy of the applicant's driving record
12 as certified by the director. Any applicant for a
13 limited driving privilege shall have on file with the
14 department of revenue proof of financial responsibility
15 as required by chapter 303. Any application by a
16 person who transports persons or property as classified
17 in section 302.015 may be accompanied by proof of
18 financial responsibility as required by chapter 303,
19 but if proof of financial responsibility does not
20 accompany the application, or if the applicant does not
21 have on file with the department of revenue proof of
22 financial responsibility, the court or the director has
23 discretion to grant the limited driving privilege to
24 the person solely for the purpose of operating a
25 vehicle whose owner has complied with chapter 303 for
26 that vehicle, and the limited driving privilege must
27 state such restriction. When operating such vehicle
28 under such restriction the person shall carry proof
29 that the owner has complied with chapter 303 for that
30 vehicle.

31 (4) No limited driving privilege shall be issued
32 to any person otherwise eligible under the provisions
33 of paragraph (a) of subdivision (6) of this subsection
34 on a license revocation resulting from a conviction
35 under subdivision (9) of subsection 1 of section
36 302.302, or a license denial under paragraph (a) or (b)
37 of subdivision (8) of this subsection, until the
38 applicant has filed proof with the department of
39 revenue that any motor vehicle operated by the person
40 is equipped with a functioning, certified ignition
41 interlock device as a required condition of limited
42 driving privilege.

43 (5) The court order or the director's grant of
44 the limited or restricted driving privilege shall
45 indicate the termination date of the privilege, which
46 shall be not later than the end of the period of
47 suspension or revocation. A copy of any court order
48 shall be sent by the clerk of the court to the
49 director, and a copy shall be given to the driver which
50 shall be carried by the driver whenever such driver
51 operates a motor vehicle. The director of revenue upon

1 granting a limited driving privilege shall give a copy
2 of the limited driving privilege to the applicant. The
3 applicant shall carry a copy of the limited driving
4 privilege while operating a motor vehicle. A
5 conviction which results in the assessment of points
6 pursuant to section 302.302, other than a violation of
7 a municipal stop sign ordinance where no accident is
8 involved, against a driver who is operating a vehicle
9 pursuant to a limited driving privilege terminates the
10 privilege, as of the date the points are assessed to
11 the person's driving record. If the date of arrest is
12 prior to the issuance of the limited driving privilege,
13 the privilege shall not be terminated. Failure of the
14 driver to maintain proof of financial responsibility,
15 as required by chapter 303, or to maintain proof of
16 installation of a functioning, certified ignition
17 interlock device, as applicable, shall terminate the
18 privilege. The director shall notify by ordinary mail
19 the driver whose privilege is so terminated.

20 (6) Except as provided in subdivision (8) of this
21 subsection, no person is eligible to receive a limited
22 driving privilege who at the time of application for a
23 limited driving privilege has previously been granted
24 such a privilege within the immediately preceding five
25 years, or whose license has been suspended or revoked
26 for the following reasons:

27 (a) A conviction of violating the provisions of
28 section 577.010 or 577.012, or any similar provision of
29 any federal or state law, or a municipal or county law
30 where the judge in such case was an attorney and the
31 defendant was represented by or waived the right to an
32 attorney in writing, until the person has completed the
33 first thirty days of a suspension or revocation imposed
34 pursuant to this chapter;

35 (b) A conviction of any felony in the commission
36 of which a motor vehicle was used;

37 (c) Ineligibility for a license because of the
38 provisions of subdivision (1), (2), (4), (5), (6), (7),
39 (8), (9), (10) or (11) of section 302.060;

40 (d) Because of operating a motor vehicle under
41 the influence of narcotic drugs, a controlled substance
42 as defined in chapter 195, or having left the scene of
43 an accident as provided in section 577.060;

44 (e) Due to a revocation for the first time for
45 failure to submit to a chemical test pursuant to
46 section 577.041 or due to a refusal to submit to a
47 chemical test in any other state, if such person has
48 not completed the first ninety days of such revocation;

49 (f) Violation more than once of the provisions of
50 section 577.041 or a similar implied consent law of any
51 other state; or

1 (g) Due to a suspension pursuant to subsection 2
2 of section 302.525 and who has not completed the first
3 thirty days of such suspension, provided the person is
4 not otherwise ineligible for a limited driving
5 privilege; or due to a revocation pursuant to
6 subsection 2 of section 302.525 if such person has not
7 completed such revocation.

8 (7) No person who possesses a commercial driver's
9 license shall receive a limited driving privilege
10 issued for the purpose of operating a commercial motor
11 vehicle if such person's driving privilege is
12 suspended, revoked, cancelled, denied, or disqualified.
13 Nothing in this section shall prohibit the issuance of
14 a limited driving privilege for the purpose of
15 operating a noncommercial motor vehicle provided that
16 pursuant to the provisions of this section, the
17 applicant is not otherwise ineligible for a limited
18 driving privilege.

19 (8) (a) Provided that pursuant to the provisions
20 of this section, the applicant is not otherwise
21 ineligible for a limited driving privilege, a circuit
22 court or the director may, in the manner prescribed in
23 this subsection, allow a person who has had such
24 person's license to operate a motor vehicle revoked
25 where that person cannot obtain a new license for a
26 period of ten years, as prescribed in subdivision (9)
27 of subsection 1 of section 302.060, to apply for a
28 limited driving privilege pursuant to this subsection
29 if such person has served at least three years of such
30 disqualification or revocation. Such person shall
31 present evidence satisfactory to the court or the
32 director that such person has not been convicted of any
33 offense related to alcohol, controlled substances or
34 drugs during the preceding three years and that the
35 person's habits and conduct show that the person no
36 longer poses a threat to the public safety of this
37 state. The court or the director shall review the
38 results of a criminal history check prior to granting
39 any limited privilege under this subdivision. If the
40 court or the director finds that the petitioner has
41 been convicted, pled guilty to, or been found guilty
42 of, or has a pending charge for any offense related to
43 alcohol, controlled substances, or drugs, or has any
44 other alcohol-related enforcement contact as defined in
45 section 302.525 during the preceding three years, the
46 court or the director shall not grant a limited driving
47 privilege to the applicant.

48 (b) Provided that pursuant to the provisions of
49 this section, the applicant is not otherwise ineligible
50 for a limited driving privilege or convicted of
51 involuntary manslaughter while operating a motor

1 vehicle in an intoxicated condition, a circuit court or
2 the director may, in the manner prescribed in this
3 subsection, allow a person who has had such person's
4 license to operate a motor vehicle revoked where that
5 person cannot obtain a new license for a period of five
6 years because of two convictions of driving while
7 intoxicated, as prescribed in subdivision (10) of
8 subsection 1 of section 302.060, to apply for a limited
9 driving privilege pursuant to this subsection if such
10 person has served at least two years of such
11 disqualification or revocation. Such person shall
12 present evidence satisfactory to the court or the
13 director that such person has not been convicted of any
14 offense related to alcohol, controlled substances or
15 drugs during the preceding two years and that the
16 person's habits and conduct show that the person no
17 longer poses a threat to the public safety of this
18 state. The court or the director shall review the
19 results of a criminal history check prior to granting
20 any limited privilege under this subdivision. If the
21 court or director finds that the petitioner has been
22 convicted, pled guilty to, or been found guilty of, or
23 has a pending charge for any offense related to
24 alcohol, controlled substances, or drugs, or has any
25 other alcohol-related enforcement contact as defined in
26 section 302.525 during the preceding two years, the
27 court or the director shall not grant a limited driving
28 privilege to the applicant. Any person who is denied a
29 license permanently in this state because of an
30 alcohol-related conviction subsequent to a restoration
31 of such person's driving privileges pursuant to
32 subdivision (9) of section 302.060 shall not be
33 eligible for limited driving privilege pursuant to the
34 provisions of this subdivision.

35 (9) A DWI docket or court established under
36 section 478.007 may grant a limited driving privilege
37 to a participant in or graduate of the program who
38 would otherwise be ineligible for such privilege under
39 another provision of law. The DWI docket or court
40 shall not grant a limited driving privilege to a
41 participant during his or her initial forty-five days
42 of participation.

43 4. Any person who has received notice of denial
44 of a request of limited driving privilege by the
45 director of revenue may make a request for a review of
46 the director's determination in the circuit court of
47 the county in which the person resides or the county in
48 which is located the person's principal place of
49 business or employment within thirty days of the date
50 of mailing of the notice of denial. Such review shall
51 be based upon the records of the department of revenue

1 and other competent evidence and shall be limited to a
2 review of whether the applicant was statutorily
3 entitled to the limited driving privilege.

4 5. Any person who petitions a court or makes
5 application with the director for a limited driving
6 privilege pursuant to paragraph (a) or (b) of
7 subdivision (8) of subsection 3 of this section shall
8 make application with the Missouri state highway patrol
9 as provided in section 43.540 and shall submit two sets
10 of fingerprints collected pursuant to standards as
11 determined by the highway patrol. One set of
12 fingerprints shall be used by the highway patrol to
13 search the criminal history repository and the second
14 set shall be forwarded to the Federal Bureau of
15 Investigation for searching the federal criminal
16 history files. At the time of application, the
17 applicant shall supply to the highway patrol the court
18 name and case number for the court where he or she has
19 filed his or her petition for limited driving
20 privileges. The applicant shall pay the fee for the
21 state criminal history record information pursuant to
22 section 43.530 and pay the appropriate fee determined
23 by the Federal Bureau of Investigation for the federal
24 criminal history record. The Missouri highway patrol,
25 upon receipt of the results of the criminal history
26 check, shall forward the results to the circuit court
27 designated by the applicant and to the department.
28 Notwithstanding the provisions of section 610.120, all
29 records related to any criminal history check shall be
30 accessible and available to the director and the court.

31 6. The director of revenue shall promulgate rules
32 and regulations necessary to carry out the provisions
33 of this section. Any rule or portion of a rule, as
34 that term is defined in section 536.010, that is
35 created under the authority delegated in this section
36 shall become effective only if it complies with and is
37 subject to all of the provisions of chapter 536 and, if
38 applicable, section 536.028. This section and chapter
39 536 are nonseverable and if any of the powers vested
40 with the general assembly pursuant to chapter 536 to
41 review, to delay the effective date or to disapprove
42 and annul a rule are subsequently held
43 unconstitutional, then the grant of rulemaking
44 authority and any rule proposed or adopted after August
45 28, 2001, shall be invalid and void.】

46 302.309. 1. Whenever any license is suspended pursuant to
47 sections 302.302 to 302.309, the director of revenue shall return
48 the license to the operator immediately upon the termination of

1 the period of suspension and upon compliance with the
2 requirements of chapter 303.

3 2. Any operator whose license is revoked pursuant to these
4 sections, upon the termination of the period of revocation, shall
5 apply for a new license in the manner prescribed by law.

6 3. (1) All circuit courts, the director of revenue, or a
7 commissioner operating under section 478.007 shall have
8 jurisdiction to hear applications and make eligibility
9 determinations granting limited driving privileges, except as
10 provided under subdivision (8) of this subsection. Any
11 application may be made in writing to the director of revenue and
12 the person's reasons for requesting the limited driving privilege
13 shall be made therein.

14 (2) When any court of record having jurisdiction or the
15 director of revenue finds that an operator is required to operate
16 a motor vehicle in connection with any of the following:

- 17 (a) A business, occupation, or employment;
18 (b) Seeking medical treatment for such operator;
19 (c) Attending school or other institution of higher
20 education;
21 (d) Attending alcohol or drug treatment programs;
22 (e) Seeking the required services of a certified ignition
23 interlock device provider; or
24 (f) Any other circumstance the court or director finds
25 would create an undue hardship on the operator[;]L

26
27 the court or director may grant such limited driving privilege as
28 the circumstances of the case justify if the court or director

1 finds undue hardship would result to the individual, and while so
2 operating a motor vehicle within the restrictions and limitations
3 of the limited driving privilege the driver shall not be guilty
4 of operating a motor vehicle without a valid license.

5 (3) An operator may make application to the proper court in
6 the county in which such operator resides or in the county in
7 which is located the operator's principal place of business or
8 employment. Any application for a limited driving privilege made
9 to a circuit court shall name the director as a party defendant
10 and shall be served upon the director prior to the grant of any
11 limited privilege, and shall be accompanied by a copy of the
12 applicant's driving record as certified by the director. Any
13 applicant for a limited driving privilege shall have on file with
14 the department of revenue proof of financial responsibility as
15 required by chapter 303. Any application by a person who
16 transports persons or property as classified in section 302.015
17 may be accompanied by proof of financial responsibility as
18 required by chapter 303, but if proof of financial responsibility
19 does not accompany the application, or if the applicant does not
20 have on file with the department of revenue proof of financial
21 responsibility, the court or the director has discretion to grant
22 the limited driving privilege to the person solely for the
23 purpose of operating a vehicle whose owner has complied with
24 chapter 303 for that vehicle, and the limited driving privilege
25 must state such restriction. When operating such vehicle under
26 such restriction the person shall carry proof that the owner has
27 complied with chapter 303 for that vehicle.

28 (4) No limited driving privilege shall be issued to any

1 person otherwise eligible under the provisions of paragraph (a)
2 of subdivision (6) of this subsection on a license revocation
3 resulting from a conviction under subdivision (9) of subsection 1
4 of section 302.302, or a license denial under paragraph (a) or
5 (b) of subdivision (8) of this subsection, or a license
6 revocation under paragraph (h) of subdivision (6) of this
7 subsection, until the applicant has filed proof with the
8 department of revenue that any motor vehicle operated by the
9 person is equipped with a functioning, certified ignition
10 interlock device as a required condition of limited driving
11 privilege. The ignition interlock device required for obtaining
12 a limited driving privilege under paragraph (a) or (b) of
13 subdivision (8) of this subsection shall have photo
14 identification technology and global positioning system features.

15 (5) The court order or the director's grant of the limited
16 or restricted driving privilege shall indicate the termination
17 date of the privilege, which shall be not later than the end of
18 the period of suspension or revocation. The court order or the
19 director's grant of the limited or restricted driving privilege
20 shall also indicate whether a functioning, certified ignition
21 interlock device is required as a condition of operating a motor
22 vehicle with the limited driving privilege. A copy of any court
23 order shall be sent by the clerk of the court to the director,
24 and a copy shall be given to the driver which shall be carried by
25 the driver whenever such driver operates a motor vehicle. The
26 director of revenue upon granting a limited driving privilege
27 shall give a copy of the limited driving privilege to the
28 applicant. The applicant shall carry a copy of the limited

1 driving privilege while operating a motor vehicle. A conviction
2 which results in the assessment of points pursuant to section
3 302.302, other than a violation of a municipal stop sign
4 ordinance where no accident is involved, against a driver who is
5 operating a vehicle pursuant to a limited driving privilege
6 terminates the privilege, as of the date the points are assessed
7 to the person's driving record. If the date of arrest is prior
8 to the issuance of the limited driving privilege, the privilege
9 shall not be terminated. Failure of the driver to maintain proof
10 of financial responsibility, as required by chapter 303, or to
11 maintain proof of installation of a functioning, certified
12 ignition interlock device, as applicable, shall terminate the
13 privilege. The director shall notify by ordinary mail the driver
14 whose privilege is so terminated.

15 (6) Except as provided in subdivision (8) of this
16 subsection, no person is eligible to receive a limited driving
17 privilege [who] whose license at the time of application [for a
18 limited driving privilege has previously been granted such a
19 privilege within the immediately preceding five years, or whose
20 license] has been suspended or revoked for the following reasons:

21 (a) A conviction of violating the provisions of section
22 577.010 or 577.012, or any similar provision of any federal or
23 state law, or a municipal or county law where the judge in such
24 case was an attorney and the defendant was represented by or
25 waived the right to an attorney in writing, until the person has
26 completed the first thirty days of a suspension or revocation
27 imposed pursuant to this chapter;

28 (b) A conviction of any felony in the commission of which a

1 motor vehicle was used;

2 (c) Ineligibility for a license because of the provisions
3 of subdivision (1), (2), (4), (5), (6), (7), (8), (9), (10) or
4 (11) of subsection 1 of section 302.060;

5 (d) Because of operating a motor vehicle under the
6 influence of narcotic drugs, a controlled substance as defined in
7 chapter 195, or having left the scene of an accident as provided
8 in section 577.060;

9 (e) Due to a revocation for [the first time for] failure to
10 submit to a chemical test pursuant to section 577.041 or due to a
11 refusal to submit to a chemical test in any other state, [if]
12 unless such person has [not] completed the first ninety days of
13 such revocation[;

14 (f) Violation more than once of the provisions of section
15 577.041 or a similar implied consent law of any other state] and
16 files proof of installation with the department of revenue that
17 any vehicle operated by such person is equipped with a
18 functioning, certified ignition interlock device, provided the
19 person is not otherwise ineligible for a limited driving
20 privilege;

21 [(g)] (f) Due to a suspension pursuant to subsection 2 of
22 section 302.525 and who has not completed the first thirty days
23 of such suspension, provided the person is not otherwise
24 ineligible for a limited driving privilege; or

25 [(h)] (g) Due to a revocation pursuant to subsection 2 of
26 section 302.525 if such person has not completed the first forty-
27 five days of such revocation, provided the person is not
28 otherwise ineligible for a limited driving privilege.

1 (7) No person who possesses a commercial driver's license
2 shall receive a limited driving privilege issued for the purpose
3 of operating a commercial motor vehicle if such person's driving
4 privilege is suspended, revoked, cancelled, denied, or
5 disqualified. Nothing in this section shall prohibit the
6 issuance of a limited driving privilege for the purpose of
7 operating a noncommercial motor vehicle provided that pursuant to
8 the provisions of this section, the applicant is not otherwise
9 ineligible for a limited driving privilege.

10 (8) (a) Provided that pursuant to the provisions of this
11 section, the applicant is not otherwise ineligible for a limited
12 driving privilege, a circuit court or the director may, in the
13 manner prescribed in this subsection, allow a person who has had
14 such person's license to operate a motor vehicle revoked where
15 that person cannot obtain a new license for a period of ten
16 years, as prescribed in subdivision (9) of subsection 1 of
17 section 302.060, to apply for a limited driving privilege
18 pursuant to this subsection [if such person has served at least
19 forty-five days of such disqualification or revocation]. Such
20 person shall present evidence satisfactory to the court or the
21 director that such [person has not been convicted of any offense
22 related to alcohol, controlled substances or drugs during the
23 preceding forty-five days and that the] person's habits and
24 conduct show that the person no longer poses a threat to the
25 public safety of this state. A circuit court shall grant a
26 limited driving privilege to any individual who otherwise is
27 eligible to receive a limited driving privilege, has filed proof
28 of installation of a certified ignition interlock device, and has

1 had no alcohol-related enforcement contacts since the alcohol-
2 related enforcement contact that resulted in the person's license
3 denial.

4 (b) Provided that pursuant to the provisions of this
5 section, the applicant is not otherwise ineligible for a limited
6 driving privilege or convicted of involuntary manslaughter while
7 operating a motor vehicle in an intoxicated condition, a circuit
8 court or the director may, in the manner prescribed in this
9 subsection, allow a person who has had such person's license to
10 operate a motor vehicle revoked where that person cannot obtain a
11 new license for a period of five years because of two convictions
12 of driving while intoxicated, as prescribed in subdivision (10)
13 of subsection 1 of section 302.060, to apply for a limited
14 driving privilege pursuant to this subsection [if such person has
15 served at least forty-five days of such disqualification or
16 revocation]. Such person shall present evidence satisfactory to
17 the court or the director that such [person has not been
18 convicted of any offense related to alcohol, controlled
19 substances or drugs during the preceding forty-five days and that
20 the] person's habits and conduct show that the person no longer
21 poses a threat to the public safety of this state. Any person
22 who is denied a license permanently in this state because of an
23 alcohol-related conviction subsequent to a restoration of such
24 person's driving privileges pursuant to subdivision (9) of
25 section 302.060 shall not be eligible for limited driving
26 privilege pursuant to the provisions of this subdivision. A
27 circuit court shall grant a limited driving privilege to any
28 individual who otherwise is eligible to receive a limited driving

1 privilege, has filed proof of installation of a certified
2 ignition interlock device, and has had no alcohol-related
3 enforcement contacts since the alcohol-related enforcement
4 contact that resulted in the person's license denial.

5 (9) A DWI docket or court established under section 478.007
6 may grant a limited driving privilege to a participant in or
7 graduate of the program who would otherwise be ineligible for
8 such privilege under another provision of law. The DWI docket or
9 court shall not grant a limited driving privilege to a
10 participant during his or her initial forty-five days of
11 participation.

12 4. Any person who has received notice of denial of a
13 request of limited driving privilege by the director of revenue
14 may make a request for a review of the director's determination
15 in the circuit court of the county in which the person resides or
16 the county in which is located the person's principal place of
17 business or employment within thirty days of the date of mailing
18 of the notice of denial. Such review shall be based upon the
19 records of the department of revenue and other competent evidence
20 and shall be limited to a review of whether the applicant was
21 statutorily entitled to the limited driving privilege.

22 5. The director of revenue shall promulgate rules and
23 regulations necessary to carry out the provisions of this
24 section. Any rule or portion of a rule, as that term is defined
25 in section 536.010, that is created under the authority delegated
26 in this section shall become effective only if it complies with
27 and is subject to all of the provisions of chapter 536 and, if
28 applicable, section 536.028. This section and chapter 536 are

1 nonseverable and if any of the powers vested with the general
2 assembly pursuant to chapter 536 to review, to delay the
3 effective date or to disapprove and annul a rule are subsequently
4 held unconstitutional, then the grant of rulemaking authority and
5 any rule proposed or adopted after August 28, 2001, shall be
6 invalid and void.

7 302.525. 1. The license suspension or revocation shall
8 become effective fifteen days after the subject person has
9 received the notice of suspension or revocation as provided in
10 section 302.520, or is deemed to have received the notice of
11 suspension or revocation by mail as provided in section 302.515.
12 If a request for a hearing is received by or postmarked to the
13 department within that fifteen-day period, the effective date of
14 the suspension or revocation shall be stayed until a final order
15 is issued following the hearing; provided, that any delay in the
16 hearing which is caused or requested by the subject person or
17 counsel representing that person without good cause shown shall
18 not result in a stay of the suspension or revocation during the
19 period of delay.

20 2. The period of license suspension or revocation under
21 this section shall be as follows:

22 (1) If the person's driving record shows no prior alcohol-
23 related enforcement contacts during the immediately preceding
24 five years, the period of suspension shall be thirty days after
25 the effective date of suspension, followed by a sixty-day period
26 of restricted driving privilege as defined in section 302.010 and
27 issued by the director of revenue. The restricted driving
28 privilege shall not be issued until he or she has filed proof of

1 financial responsibility with the department of revenue, in
2 accordance with chapter 303, and is otherwise eligible. The
3 restricted driving privilege shall indicate whether a
4 functioning, certified ignition interlock device is required as a
5 condition of operating a motor vehicle. A copy of the restricted
6 driving privilege shall be given to the person and such person
7 shall carry a copy of the restricted driving privilege while
8 operating a motor vehicle. In no case shall restricted driving
9 privileges be issued pursuant to this section or section 302.535
10 until the person has completed the first thirty days of a
11 suspension under this section. If a person otherwise subject to
12 the provisions of this subdivision files proof of installation
13 with the department of revenue that any vehicle ~~[operated]~~ that
14 he or she operates is equipped with a functioning, certified
15 ignition interlock device, ~~[then the]~~ there shall be no period of
16 suspension ~~[shall be fifteen days, followed by a seventy-five~~
17 ~~day]~~. However, in lieu of a suspension the person shall instead
18 complete a ninety-day period of restricted driving privilege.
19 Upon completion of such ~~[seventy-five day]~~ ninety-day period of
20 restricted driving privilege, ~~[upon]~~ compliance with other
21 requirements of law, and ~~[upon]~~ filing of proof of financial
22 responsibility with the department of revenue, in accordance with
23 chapter 303, the license and driving privilege shall be
24 reinstated. However, if the monthly monitoring reports during
25 such ~~[seventy-five day]~~ ninety-day period indicate that the
26 ignition interlock device has registered a confirmed blood
27 alcohol concentration level above the alcohol setpoint
28 established by the department of transportation or such reports

1 indicate that the ignition interlock device has been tampered
2 with or circumvented, then the license and driving privilege of
3 such person shall not be reinstated until the person completes an
4 additional [seventy-five day] thirty-day period of restricted
5 driving privilege [without any such violations]. If the person
6 fails to maintain such proof of the device with the director of
7 revenue as required, the restricted driving privilege shall be
8 terminated;

9 (2) The period of revocation shall be one year if the
10 person's driving record shows one or more prior alcohol-related
11 enforcement contacts during the immediately preceding five years;

12 (3) In no case shall restricted driving privileges be
13 issued under this section to any person whose driving record
14 shows one or more prior alcohol-related enforcement contacts
15 until the person has completed the first thirty days of a
16 suspension under this section and has filed proof with the
17 department of revenue that any motor vehicle operated by the
18 person is equipped with a functioning, certified ignition
19 interlock device as a required condition of the restricted
20 driving privilege. If the person fails to maintain such proof
21 the restricted driving privilege shall be terminated.

22 3. For purposes of this section, "alcohol-related
23 enforcement contacts" shall include any suspension or revocation
24 under sections 302.500 to 302.540, any suspension or revocation
25 entered in this or any other state for a refusal to submit to
26 chemical testing under an implied consent law, and any conviction
27 in this or any other state for a violation which involves driving
28 while intoxicated, driving while under the influence of drugs or

1 alcohol, or driving a vehicle while having an unlawful alcohol
2 concentration.

3 4. Where a license is suspended or revoked under this
4 section and the person is also convicted on charges arising out
5 of the same occurrence for a violation of section 577.010 or
6 577.012 or for a violation of any county or municipal ordinance
7 prohibiting driving while intoxicated or alcohol-related traffic
8 offense, both the suspension or revocation under this section and
9 any other suspension or revocation arising from such convictions
10 shall be imposed, but the period of suspension or revocation
11 under sections 302.500 to 302.540 shall be credited against any
12 other suspension or revocation arising from such convictions, and
13 the total period of suspension or revocation shall not exceed the
14 longer of the two suspension or revocation periods.

15 5. Any person who has had a license to operate a motor
16 vehicle revoked under this section or suspended under this
17 section with one or more prior alcohol-related enforcement
18 contacts showing on their driver record shall be required to file
19 proof with the director of revenue that any motor vehicle
20 operated by that person is equipped with a functioning, certified
21 ignition interlock device as a required condition of
22 reinstatement. The ignition interlock device shall further be
23 required to be maintained on all motor vehicles operated by the
24 person for a period of not less than six months immediately
25 following the date of reinstatement. If the monthly monitoring
26 reports show that the ignition interlock device has registered
27 any confirmed blood alcohol concentration readings above the
28 alcohol setpoint established by the department of transportation

1 or that the person has tampered with or circumvented the ignition
2 interlock device, then the period for which the person must
3 maintain the ignition interlock device following the date of
4 reinstatement shall be extended for an additional six months. If
5 the person fails to maintain such proof with the director, the
6 license shall be resuspended or revoked, as applicable.

7 [302.525. 1. The license suspension or
8 revocation shall become effective fifteen days after
9 the subject person has received the notice of
10 suspension or revocation as provided in section
11 302.520, or is deemed to have received the notice of
12 suspension or revocation by mail as provided in section
13 302.515. If a request for a hearing is received by or
14 postmarked to the department within that fifteen-day
15 period, the effective date of the suspension or
16 revocation shall be stayed until a final order is
17 issued following the hearing; provided, that any delay
18 in the hearing which is caused or requested by the
19 subject person or counsel representing that person
20 without good cause shown shall not result in a stay of
21 the suspension or revocation during the period of
22 delay.

23 2. The period of license suspension or revocation
24 under this section shall be as follows:

25 (1) If the person's driving record shows no prior
26 alcohol-related enforcement contacts during the
27 immediately preceding five years, the period of
28 suspension shall be thirty days after the effective
29 date of suspension, followed by a sixty-day period of
30 restricted driving privilege as defined in section
31 302.010 and issued by the director of revenue. The
32 restricted driving privilege shall not be issued until
33 he or she has filed proof of financial responsibility
34 with the department of revenue, in accordance with
35 chapter 303, and is otherwise eligible. In no case
36 shall restricted driving privileges be issued pursuant
37 to this section or section 302.535 until the person has
38 completed the first thirty days of a suspension under
39 this section;

40 (2) The period of revocation shall be one year if
41 the person's driving record shows one or more prior
42 alcohol-related enforcement contacts during the
43 immediately preceding five years;

44 (3) In no case shall restricted driving
45 privileges be issued under this section to any person
46 whose driving record shows one or more prior alcohol-

1 related enforcement contacts until the person has
2 completed the first thirty days of a suspension under
3 this section and has filed proof with the department of
4 revenue that any motor vehicle operated by the person
5 is equipped with a functioning, certified ignition
6 interlock device as a required condition of the
7 restricted driving privilege. If the person fails to
8 maintain such proof the restricted driving privilege
9 shall be terminated.

10 3. For purposes of this section, "alcohol-related
11 enforcement contacts" shall include any suspension or
12 revocation under sections 302.500 to 302.540, any
13 suspension or revocation entered in this or any other
14 state for a refusal to submit to chemical testing under
15 an implied consent law, and any conviction in this or
16 any other state for a violation which involves driving
17 while intoxicated, driving while under the influence of
18 drugs or alcohol, or driving a vehicle while having an
19 unlawful alcohol concentration.

20 4. Where a license is suspended or revoked under
21 this section and the person is also convicted on
22 charges arising out of the same occurrence for a
23 violation of section 577.010 or 577.012 or for a
24 violation of any county or municipal ordinance
25 prohibiting driving while intoxicated or alcohol-
26 related traffic offense, both the suspension or
27 revocation under this section and any other suspension
28 or revocation arising from such convictions shall be
29 imposed, but the period of suspension or revocation
30 under sections 302.500 to 302.540 shall be credited
31 against any other suspension or revocation arising from
32 such convictions, and the total period of suspension or
33 revocation shall not exceed the longer of the two
34 suspension or revocation periods.

35 5. Any person who has had a license to operate a
36 motor vehicle revoked under this section or suspended
37 under this section with one or more prior alcohol-
38 related enforcement contacts showing on their driver
39 record shall be required to file proof with the
40 director of revenue that any motor vehicle operated by
41 that person is equipped with a functioning, certified
42 ignition interlock device as a required condition of
43 reinstatement. The ignition interlock device shall
44 further be required to be maintained on all motor
45 vehicles operated by the person for a period of not
46 less than six months immediately following the date of
47 reinstatement. If the person fails to maintain such
48 proof with the director, the license shall be
49 resuspended or revoked, as applicable.]

50 302.700. 1. Sections 302.700 to 302.780 may be cited as

1 the "Uniform Commercial Driver's License Act".

2 2. When used in sections 302.700 to 302.780, the following
3 words and phrases mean:

4 (1) "Alcohol", any substance containing any form of
5 alcohol, including, but not limited to, ethanol, methanol,
6 propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol
8 per one hundred milliliters of blood or the number of grams of
9 alcohol per two hundred ten liters of breath or the number of
10 grams of alcohol per sixty-seven milliliters of urine;

11 (3) "CDL driver", a person holding or required to hold a
12 commercial driver's license (CDL);

13 (4) "CDLIS driver record", the electronic record of the
14 individual commercial driver's status and history stored by the
15 state of record as part of the Commercial Driver's License
16 Information System (CDLIS) established under 49 U.S.C. Section
17 31309, et seq.;

18 [(4)] (5) "CDLIS motor vehicle record (CDLIS MVR)", a
19 report generated from the CDLIS driver record which meets the
20 requirements for access to CDLIS information and is provided by
21 states to users authorized in 49 CFR [Part] 384, subject to the
22 provisions of the Driver Privacy Protection Act, 18 U.S.C.
23 Sections 2721 to 2725, et seq.;

24 [(5)] (6) "Commercial driver's instruction permit", a
25 commercial learner's permit issued [pursuant to section 302.720]
26 to an individual by a state or other jurisdiction of domicile in
27 accordance with the standards contained in 49 CFR 383, which,
28 when carried with a valid driver's license issued by the same

state or jurisdiction, authorizes the individual to operate a
class of commercial motor vehicle when accompanied by a holder of
a valid commercial driver's license for purposes of behind-the-
wheel training. When issued to a commercial driver's license
holder, a commercial learner's permit serves as authorization for
accompanied behind-the-wheel training in a commercial motor
vehicle for which the holder's current commercial driver's
license is not valid;

[(6)] (7) "Commercial driver's license (CDL)", a license
issued by this state or other jurisdiction of domicile in
accordance with 49 CFR 383 [to an individual] which authorizes
the individual to operate a class of commercial motor vehicle;

[(7)] (8) "Commercial driver's license downgrade", occurs
when:

(a) A driver changes the self-certification to interstate,
but operates exclusively in transportation or operation excepted
from 49 CFR [Part] 391, as provided in 49 CFR [Part] 390.3(f),
391.2, 391.68, or 398.3;

(b) A driver changes the self-certification to intrastate
only, if the driver qualifies under the state's physical
qualification requirements for intrastate only;

(c) A driver changes the self-certification to intrastate,
but operating exclusively in transportation or operations
excepted from all or part of the state driver qualification
requirements; or

(d) The state removes the commercial driver's license
privilege from the driver's license;

[(8)] (9) "Commercial driver's license information system

(CDLIS)", the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers;

[(9)] (10) "Commercial motor vehicle", a motor vehicle [designed or used to] or combination of motor vehicles used in commerce to transport passengers or property:

(a) If the vehicle has a gross combination weight rating or gross combination weight of twenty-six thousand one or more pounds inclusive of a towed unit which has a gross vehicle weight rating [of] or gross vehicle weight of more than ten thousand one pounds or more, whichever is greater;

(b) If the vehicle has a gross vehicle weight rating or gross vehicle weight of twenty-six thousand one or more pounds [or such lesser rating as determined by federal regulation], whichever is greater;

(c) If the vehicle is designed to transport sixteen or more passengers, including the driver; or

(d) If the vehicle is transporting hazardous materials and is required to be placarded under the Hazardous Materials Transportation Act (46 U.S.C. Section 1801, et seq.);

[(10)] (11) "Controlled substance", any substance so classified under Section 102(6) of the Controlled Substances Act (21 U.S.C. Section 802(6)), and includes all substances listed in schedules I through V of 21 CFR [Part] 1308, as they may be revised from time to time;

[(11)] (12) "Conviction", an unvacated adjudication of

1 guilt, including pleas of guilt and nolo contendere, or a
2 determination that a person has violated or failed to comply with
3 the law in a court of original jurisdiction or an authorized
4 administrative proceeding, an unvacated forfeiture of bail or
5 collateral deposited to secure the person's appearance in court,
6 the payment of a fine or court cost, or violation of a condition
7 of release without bail, regardless of whether the penalty is
8 rebated, suspended or prorated, including an offense for failure
9 to appear or pay;

10 [(12)] (13) "Director", the director of revenue or his
11 authorized representative;

12 [(13)] (14) "Disqualification", any of the following three
13 actions:

14 (a) The suspension, revocation, or cancellation of a
15 commercial driver's license or commercial driver's instruction
16 permit;

17 (b) Any withdrawal of a person's privileges to drive a
18 commercial motor vehicle by a state, Canada, or Mexico as the
19 result of a violation of federal, state, county, municipal, or
20 local law relating to motor vehicle traffic control or violations
21 committed through the operation of motor vehicles, other than
22 parking, vehicle weight, or vehicle defect violations;

23 (c) A determination by the Federal Motor Carrier Safety
24 Administration that a person is not qualified to operate a
25 commercial motor vehicle under 49 CFR [Part] 383.52 or [Part]
26 391;

27 [(14)] (15) "Drive", to drive, operate or be in physical
28 control of a commercial motor vehicle;

1 [(15)] (16) "Driver", any person who drives, operates, or
2 is in physical control of a motor vehicle, or who is required to
3 hold a commercial driver's license;

4 [(16)] (17) "Driver applicant", an individual who applies
5 to obtain, transfer, upgrade, or renew a commercial driver's
6 license or commercial driver's instruction permit in this state;

7 [(17)] (18) "Driving under the influence of alcohol", the
8 commission of any one or more of the following acts:

9 (a) Driving a commercial motor vehicle with the alcohol
10 concentration of four one-hundredths of a percent or more as
11 prescribed by the [secretary] Secretary or such other alcohol
12 concentration as may be later determined by the [secretary]
13 Secretary by regulation;

14 (b) Driving a commercial or noncommercial motor vehicle
15 while intoxicated in violation of any federal or state law, or in
16 violation of a county or municipal ordinance;

17 (c) Driving a commercial or noncommercial motor vehicle
18 with excessive blood alcohol content in violation of any federal
19 or state law, or in violation of a county or municipal ordinance;

20 (d) Refusing to submit to a chemical test in violation of
21 section 577.041, section 302.750, any federal or state law, or a
22 county or municipal ordinance; or

23 (e) Having any state, county or municipal alcohol-related
24 enforcement contact, as defined in subsection 3 of section
25 302.525; provided that any suspension or revocation pursuant to
26 section 302.505, committed in a noncommercial motor vehicle by an
27 individual twenty-one years of age or older shall have been
28 committed by the person with an alcohol concentration of at least

1 eight-hundredths of one percent or more, or in the case of an
2 individual who is less than twenty-one years of age, shall have
3 been committed by the person with an alcohol concentration of at
4 least two-hundredths of one percent or more, and if committed in
5 a commercial motor vehicle, a concentration of four-hundredths of
6 one percent or more;

7 ~~[(18)]~~ (19) "Driving under the influence of a controlled
8 substance", the commission of any one or more of the following
9 acts in a commercial or noncommercial motor vehicle:

10 (a) Driving a commercial or noncommercial motor vehicle
11 while under the influence of any substance so classified under
12 Section 102(6) of the Controlled Substances Act (21 U.S.C.
13 Section 802(6)), including any substance listed in schedules I
14 through V of 21 CFR ~~[Part]~~ 1308, as they may be revised from time
15 to time;

16 (b) Driving a commercial or noncommercial motor vehicle
17 while in a drugged condition in violation of any federal or state
18 law or in violation of a county or municipal ordinance; or

19 (c) Refusing to submit to a chemical test in violation of
20 section 577.041, section 302.750, any federal or state law, or a
21 county or municipal ordinance;

22 ~~[(19)]~~ (20) "Electronic device", includes but is not
23 limited to a cellular telephone, personal digital assistant,
24 pager, computer, or any other device used to input, write, send,
25 receive, or read text;

26 (21) "Employer", any person, including the United States, a
27 state, or a political subdivision of a state, who owns or leases
28 a commercial motor vehicle or assigns a driver to operate such a

1 vehicle;

2 [(20)] (22) "Endorsement", an authorization on an
3 individual's commercial driver's license [permitting] or
4 commercial learner's permit required to permit the individual to
5 operate certain types of commercial motor vehicles;

6 [(21)] (23) "Farm vehicle", a commercial motor vehicle
7 controlled and operated by a farmer used exclusively for the
8 transportation of agricultural products, farm machinery, farm
9 supplies, or a combination of these, within one hundred fifty
10 miles of the farm, other than one which requires placarding for
11 hazardous materials as defined in this section, or used in the
12 operation of a common or contract motor carrier, except that a
13 farm vehicle shall not be a commercial motor vehicle when the
14 total combined gross weight rating does not exceed twenty-six
15 thousand one pounds when transporting fertilizers as defined in
16 subdivision [(27)] (29) of this subsection;

17 [(22)] (24) "Fatality", the death of a person as a result
18 of a motor vehicle accident;

19 [(23)] (25) "Felony", any offense under state or federal
20 law that is punishable by death or imprisonment for a term
21 exceeding one year;

22 [(24)] (26) "Foreign", outside the fifty states of the
23 United States and the District of Columbia;

24 [(25)] (27) "Gross combination weight rating" or "GCWR",
25 the value specified by the manufacturer as the loaded weight of a
26 combination (articulated) vehicle. In the absence of a value
27 specified by the manufacturer, GCWR will be determined by adding
28 the GVWR of the power unit and the total weight of the towed unit

1 and any load thereon;

2 [(26)] (28) "Gross vehicle weight rating" or "GVWR", the
3 value specified by the manufacturer as the loaded weight of a
4 single vehicle;

5 [(27)] (29) "Hazardous materials", any material that has
6 been designated as hazardous under 49 U.S.C. Section 5103 and is
7 required to be placarded under subpart F of CFR [Part] 172 or any
8 quantity of a material listed as a select agent or toxin in 42
9 CFR [Part] 73. Fertilizers, including but not limited to
10 ammonium nitrate, phosphate, nitrogen, anhydrous ammonia, lime,
11 potash, motor fuel or special fuel, shall not be considered
12 hazardous materials when transported by a farm vehicle provided
13 all other provisions of this definition are followed;

14 [(28)] (30) "Imminent hazard", the existence of a condition
15 that presents a substantial likelihood that death, serious
16 illness, severe personal injury, or a substantial endangerment to
17 health, property, or the environment may occur before the
18 reasonably foreseeable completion date of a formal proceeding
19 begins to lessen the risk of that death, illness, injury, or
20 endangerment;

21 [(29)] (31) "Issuance", the initial licensure, license
22 transfers, license renewals, and license upgrades;

23 [(30)] (32) "Manual transmission" (also known as a stick
24 shift, stick, straight drive, or standard transmission), a
25 transmission utilizing a driver-operated clutch that is activated
26 by a pedal or lever and a gear-shift mechanism operated by either
27 hand or foot. All other transmissions, whether semi-automatic or
28 automatic, will be considered automatic for the purposes of the

1 standardized restriction code;

2 (33) "Medical examiner", a person who is licensed,
3 certified, or registered, in accordance with applicable state
4 laws and regulations, to perform physical examinations. The term
5 includes, but is not limited to, doctors of medicine, doctors of
6 osteopathy, physician assistants, advanced practice nurses, and
7 doctors of chiropractic;

8 [(31)] (34) "Medical variance", when a driver has received
9 one of the following that allows the driver to be issued a
10 medical certificate:

11 (a) An exemption letter permitting operation of a
12 commercial motor vehicle under 49 CFR [Part] 381, Subpart C or 49
13 CFR [Part] 391.64;

14 (b) A skill performance evaluation certificate permitting
15 operation of a commercial motor vehicle under 49 CFR [Part]
16 391.49;

17 [(32)] (35) "Mobile telephone", a mobile communication
18 device that is classified as or uses any commercial mobile radio
19 service, as defined in the regulations of the Federal
20 Communications Commission, 47 CFR 20.3, but does not include two-
21 way or citizens band radio services;

22 (36) "Motor vehicle", any self-propelled vehicle not
23 operated exclusively upon tracks;

24 [(33)] (37) "Noncommercial motor vehicle", a motor vehicle
25 or combination of motor vehicles not defined by the term
26 "commercial motor vehicle" in this section;

27 [(34)] (38) "Out of service", a temporary prohibition
28 against the operation of a commercial motor vehicle by a

1 particular driver, or the operation of a particular commercial
2 motor vehicle, or the operation of a particular motor carrier;

3 [(35)] (39) "Out-of-service order", a declaration by an
4 authorized enforcement officer of a federal, state, Canadian,
5 Mexican or any local jurisdiction, that a driver, or a commercial
6 motor vehicle, or a motor carrier operation, is out of service
7 under 49 CFR [Part] 386.72, 392.5, 392.9a, 395.13, or 396.9, or
8 comparable laws, or the North American Standard Out-of-Service
9 Criteria;

10 [(36)] (40) "School bus", a commercial motor vehicle used
11 to transport preprimary, primary, or secondary school students
12 from home to school, from school to home, or to and from
13 school-sponsored events. School bus does not include a bus used
14 as a common carrier as defined by the Secretary;

15 [(37)] (41) "Secretary", the Secretary of Transportation of
16 the United States;

17 [(38)] (42) "Serious traffic violation", driving a
18 commercial motor vehicle in such a manner that the driver
19 receives a conviction for the following offenses or driving a
20 noncommercial motor vehicle when the driver receives a conviction
21 for the following offenses and the conviction results in the
22 suspension or revocation of the driver's license or noncommercial
23 motor vehicle driving privilege:

24 (a) Excessive speeding, as defined by the Secretary by
25 regulation;

26 (b) Careless, reckless or imprudent driving which includes,
27 but shall not be limited to, any violation of section 304.016,
28 any violation of section 304.010, or any other violation of

1 federal or state law, or any county or municipal ordinance while
2 driving a commercial motor vehicle in a willful or wanton
3 disregard for the safety of persons or property, or improper or
4 erratic traffic lane changes, or following the vehicle ahead too
5 closely, but shall not include careless and imprudent driving by
6 excessive speed;

7 (c) A violation of any federal or state law or county or
8 municipal ordinance regulating the operation of motor vehicles
9 arising out of an accident or collision which resulted in death
10 to any person, other than a parking violation;

11 (d) Driving a commercial motor vehicle without obtaining a
12 commercial driver's license in violation of any federal or state
13 or county or municipal ordinance;

14 (e) Driving a commercial motor vehicle without a commercial
15 driver's license in the driver's possession in violation of any
16 federal or state or county or municipal ordinance. Any
17 individual who provides proof to the court which has jurisdiction
18 over the issued citation that the individual held a valid
19 commercial driver's license on the date that the citation was
20 issued shall not be guilty of this offense;

21 (f) Driving a commercial motor vehicle without the proper
22 commercial driver's license class or endorsement for the specific
23 vehicle group being operated or for the passengers or type of
24 cargo being transported in violation of any federal or state law
25 or county or municipal ordinance; [or]

26 (g) Violating a state or local law or ordinance on motor
27 vehicle traffic control prohibiting texting while driving a
28 commercial motor vehicle;

1 (h) Violating a state or local law or ordinance on motor
2 vehicle traffic control restricting or prohibiting the use of a
3 hand-held mobile telephone while driving a commercial motor
4 vehicle; or

5 (i) Any other violation of a federal or state law or county
6 or municipal ordinance regulating the operation of motor
7 vehicles, other than a parking violation, as prescribed by the
8 [secretary] Secretary by regulation;

9 [(39)] (43) "State", a state of the United States,
10 including the District of Columbia;

11 [(40)] (44) "Tank vehicle", any commercial motor vehicle
12 that is designed to transport any liquid or gaseous materials
13 within a tank or tanks having an individual rated capacity of
14 more than one hundred nineteen gallons and an aggregate rated
15 capacity of one thousand gallons or more that is either
16 permanently or temporarily attached to the vehicle or the
17 chassis. A commercial motor vehicle transporting an empty
18 storage container tank, not designed for transportation, with a
19 rated capacity of one thousand gallons or more, that is
20 temporarily attached to a flatbed trailer is not considered a
21 tank vehicle;

22 (45) "Texting", manually entering alphanumeric text into,
23 or reading text from, an electronic device. This action includes
24 but is not limited to short message service, e-mailing, instant
25 messaging, commanding or requesting access to a website, pressing
26 more than a single button to initiate or terminate a voice
27 communication using a mobile telephone, or engaging in any other
28 form of electronic text retrieval or entry, for present or future

1 communication. Texting does not include:

2 (a) Inputting, selecting, or reading information on a
3 global positioning system or navigation system;

4 (b) Pressing a single button to initiate or terminate a
5 voice communication using a mobile telephone; or

6 (c) Using a device capable of performing multiple functions
7 (e.g., fleet management systems, dispatching devices, smart
8 phones, citizens band radios, music players) for a purpose that
9 is not otherwise prohibited in this part;

10 (46) "United States", the fifty states and the District of
11 Columbia.

12 302.720. 1. Except when operating under an instruction
13 permit as described in this section, no person may drive a
14 commercial motor vehicle unless the person has been issued a
15 commercial driver's license with applicable endorsements valid
16 for the type of vehicle being operated as specified in sections
17 302.700 to 302.780. A commercial driver's instruction permit
18 shall allow the holder of a valid license to operate a commercial
19 motor vehicle when accompanied by the holder of a commercial
20 driver's license valid for the vehicle being operated and who
21 occupies a seat beside the individual, or reasonably near the
22 individual in the case of buses, for the purpose of giving
23 instruction in driving the commercial motor vehicle. No person
24 may be issued a commercial driver's instruction permit until he
25 or she has passed written tests which comply with the minimum
26 federal standards. A commercial driver's instruction permit
27 shall be valid for the vehicle being operated for a period of not
28 more than six months, and shall not be issued until the permit

holder has met all other requirements of sections 302.700 to 302.780, except for the driving test. A permit holder, unless otherwise disqualified, may be granted one six-month renewal within a one-year period. The fee for such permit or renewal shall be five dollars. In the alternative, a commercial driver's instruction permit shall be issued for a thirty-day period to allow the holder of a valid driver's license to operate a commercial motor vehicle if the applicant has completed all other requirements except the driving test. The permit may be renewed for one additional thirty-day period and the fee for the permit and for renewal shall be five dollars.

2. No person may be issued a commercial driver's license until he has passed written and driving tests for the operation of a commercial motor vehicle which complies with the minimum federal standards established by the Secretary and has satisfied all other requirements of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub. Law 99-570), as well as any other requirements imposed by state law. All applicants for a commercial driver's license shall have maintained the appropriate class of commercial driver's instruction permit issued by this state or any other state for a minimum of fourteen calendar days prior to the date of taking the skills test. Applicants for a hazardous materials endorsement must also meet the requirements of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as specified and required by regulations promulgated by the Secretary. Nothing contained in this subsection shall be construed as prohibiting the director from establishing alternate testing formats for those who are functionally illiterate;

1 provided, however, that any such alternate test must comply with
2 the minimum requirements of the Commercial Motor Vehicle Safety
3 Act of 1986 (Title XII of Pub. Law 99-570) as established by the
4 Secretary.

5 (1) The written and driving tests shall be held at such
6 times and in such places as the superintendent may designate. A
7 twenty-five dollar examination fee shall be paid by the applicant
8 upon completion of any written or driving test, except the
9 examination fee shall be waived for applicants seventy years of
10 age or older renewing a license with a school bus endorsement.
11 The director shall delegate the power to conduct the examinations
12 required under sections 302.700 to 302.780 to any member of the
13 highway patrol or any person employed by the highway patrol
14 qualified to give driving examinations. The written test shall
15 only be administered in the English language. No translators
16 shall be allowed for applicants taking the test.

17 (2) The director shall adopt and promulgate rules and
18 regulations governing the certification of third-party testers by
19 the department of revenue. Such rules and regulations shall
20 substantially comply with the requirements of 49 CFR [Part] 383,
21 Section 383.75. A certification to conduct third-party testing
22 shall be valid for one year, and the department shall charge a
23 fee of one hundred dollars to issue or renew the certification of
24 any third-party tester.

25 (3) Beginning August 28, 2006, the director shall only
26 issue or renew third-party tester certification to community
27 colleges established under chapter 178 or to private companies
28 who own, lease, or maintain their own fleet and administer

1 in-house testing to their employees, or to school districts and
2 their agents that administer in-house testing to the school
3 district's or agent's employees. Any third-party tester who
4 violates any of the rules and regulations adopted and promulgated
5 pursuant to this section shall be subject to having his
6 certification revoked by the department. The department shall
7 provide written notice and an opportunity for the third-party
8 tester to be heard in substantially the same manner as provided
9 in chapter 536. If any applicant submits evidence that he has
10 successfully completed a test administered by a third-party
11 tester, the actual driving test for a commercial driver's license
12 may then be waived.

13 (4) Every applicant for renewal of a commercial driver's
14 license shall provide such certifications and information as
15 required by the [secretary] Secretary and if such person
16 transports a hazardous material must also meet the requirements
17 of the U.S. Patriot Act of 2001 (Title X of Public Law 107-56) as
18 specified and required by regulations promulgated by the
19 Secretary. Such person shall be required to take the written
20 test for such endorsement. A twenty-five dollar examination fee
21 shall be paid upon completion of such tests.

22 (5) The director shall have the authority to waive the
23 driving skills test for any qualified military applicant for a
24 commercial driver's license who is currently licensed at the time
25 of application for a commercial driver's license. The director
26 shall impose conditions and limitations to restrict the
27 applicants from whom the department may accept alternative
28 requirements for the skills test described in federal regulation

1 49 [C.F.R.] CFR 383.77. An applicant must certify that, during
2 the two-year period immediately preceding application for a
3 commercial driver's license, all of the following apply:

4 (a) The applicant has not had more than one license;

5 (b) The applicant has not had any license suspended,
6 revoked, or cancelled;

7 (c) The applicant has not had any convictions for any type
8 of motor vehicle for the disqualifying offenses contained in this
9 chapter or federal rule 49 [C.F.R.] CFR 383.51(b);

10 (d) The applicant has not had more than one conviction for
11 any type of motor vehicle for serious traffic violations;

12 (e) The applicant has not had any conviction for a
13 violation of state or local law relating to motor vehicle traffic
14 control, but not including any parking violation, arising in
15 connection with any traffic accident, and has no record of an
16 accident in which he or she was at fault;

17 (f) The applicant [~~is~~] has been regularly employed [~~in a~~
18 ~~job~~] within the last ninety days in a military position requiring
19 operation of a commercial motor vehicle and has operated the
20 vehicle for at least sixty days during the two years immediately
21 preceding application for a commercial driver's license. The
22 vehicle must be representative of the commercial motor vehicle
23 the driver applicant operates or expects to operate;

24 (g) The applicant, if on active duty, must provide a
25 notarized affidavit signed by a commanding officer as proof of
26 driving experience as indicated in paragraph (f) of this
27 subdivision;

28 (h) The applicant, if honorably discharged from military

1 service, must provide a form-DD214 or other proof of military
2 occupational specialty;

3 (i) The applicant must meet all federal and state
4 qualifications to operate a commercial vehicle; and

5 (j) The applicant will be required to complete all
6 applicable knowledge tests.

7 3. A commercial driver's license or commercial driver's
8 instruction permit may not be issued to a person while the person
9 is disqualified from driving a commercial motor vehicle, when a
10 disqualification is pending in any state or while the person's
11 driver's license is suspended, revoked, or [cancelled] canceled
12 in any state; nor may a commercial driver's license be issued
13 unless the person first surrenders in a manner prescribed by the
14 director any commercial driver's license issued by another state,
15 which license shall be returned to the issuing state for
16 cancellation.

17 4. Beginning July 1, 2005, the director shall not issue an
18 instruction permit under this section unless the director
19 verifies that the applicant is lawfully present in the United
20 States before accepting the application. The director may, by
21 rule or regulation, establish procedures to verify the lawful
22 presence of the applicant under this section. No rule or portion
23 of a rule promulgated pursuant to the authority of this section
24 shall become effective unless it has been promulgated pursuant to
25 chapter 536.

26 5. Notwithstanding the provisions of this section or any
27 other law to the contrary, beginning August 28, 2008, the
28 director of the department of revenue shall certify as a

1 third-party tester any municipality that owns, leases, or
2 maintains its own fleet that requires certain employees as a
3 condition of employment to hold a valid commercial driver's
4 license; and that administered in-house testing to such employees
5 prior to August 28, 2006.

6 302.735. 1. An application shall not be taken from a
7 nonresident after September 30, 2005. The application for a
8 commercial driver's license shall include, but not be limited to,
9 the applicant's legal name, mailing and residence address, if
10 different, a physical description of the person, including sex,
11 height, weight and eye color, the person's Social Security
12 number, date of birth and any other information deemed
13 appropriate by the director. The application shall also require,
14 beginning September 30, 2005, the applicant to provide the names
15 of all states where the applicant has been previously licensed to
16 drive any type of motor vehicle during the preceding ten years.

17 2. A commercial driver's license shall expire on the
18 applicant's birthday in the sixth year after issuance, unless the
19 license must be issued for a shorter period due to other
20 requirements of law or for transition or staggering of work as
21 determined by the director, and must be renewed on or before the
22 date of expiration. When a person changes such person's name an
23 application for a duplicate license shall be made to the director
24 of revenue. When a person changes such person's mailing address
25 or residence the applicant shall notify the director of revenue
26 of said change, however, no application for a duplicate license
27 is required. A commercial license issued pursuant to this
28 section to an applicant less than twenty-one years of age and

1 seventy years of age and older shall expire on the applicant's
2 birthday in the third year after issuance, unless the license
3 must be issued for a shorter period as determined by the
4 director.

5 3. A commercial driver's license containing a hazardous
6 materials endorsement issued to an applicant who is between the
7 age of twenty-one and sixty-nine shall not be issued for a period
8 exceeding five years from the approval date of the security
9 threat assessment as determined by the Transportation Security
10 Administration.

11 4. The director shall issue an annual commercial driver's
12 license containing a school bus endorsement to an applicant who
13 is seventy years of age or older. The fee for such license shall
14 be seven dollars and fifty cents.

15 5. A commercial driver's license containing a hazardous
16 materials endorsement issued to an applicant who is seventy years
17 of age or older shall not be issued for a period exceeding three
18 years. The director shall not require such drivers to obtain a
19 security threat assessment more frequently than such assessment
20 is required by the Transportation Security Administration under
21 the Uniting and Strengthening America by Providing Appropriate
22 Tools Required to Intercept and Obstruct Terrorism Act (USA
23 PATRIOT ACT) of 2001.

24 (1) The state shall immediately revoke a hazardous
25 materials endorsement upon receipt of an initial determination of
26 threat assessment and immediate revocation from the
27 Transportation Security Administration as defined by 49 CFR
28 1572.13(a).

1 (2) The state shall revoke or deny a hazardous materials
2 endorsement within fifteen days of receipt of a final
3 determination of threat assessment from the Transportation
4 Security Administration as required by CFR 1572.13(a).

5 6. The fee for a commercial driver's license or renewal
6 commercial driver's license issued for a period greater than
7 three years shall be forty dollars.

8 7. The fee for a commercial driver's license or renewal
9 commercial driver's license issued for a period of three years or
10 less shall be twenty dollars.

11 8. The fee for a duplicate commercial driver's license
12 shall be twenty dollars.

13 9. In order for the director to properly transition
14 driver's license requirements under the Motor Carrier Safety
15 Improvement Act of 1999 and the Uniting and Strengthening America
16 by Providing Appropriate Tools Required to Intercept and Obstruct
17 Terrorism Act (USA PATRIOT ACT) of 2001, the director is
18 authorized to stagger expiration dates and make adjustments for
19 any fees, including driver examination fees that are incurred by
20 the driver as a result of the initial issuance of a transitional
21 license required to comply with such acts.

22 10. Within thirty days after moving to this state, the
23 holder of a commercial driver's license shall apply for a
24 commercial driver's license in this state. The applicant shall
25 meet all other requirements of sections 302.700 to 302.780,
26 except that the director may waive the driving test for a
27 commercial driver's license as required in section 302.720 if the
28 applicant for a commercial driver's license has a valid

1 commercial driver's license from a state which has requirements
2 for issuance of such license comparable to those in this state.

3 11. Any person who falsifies any information in an
4 application or test for a commercial driver's license shall not
5 be licensed to operate a commercial motor vehicle, or the
6 person's commercial driver's license shall be **[cancelled]**
7 canceled, for a period of one year after the director discovers
8 such falsification.

9 12. Beginning July 1, 2005, the director shall not issue a
10 commercial driver's license under this section unless the
11 director verifies that the applicant is lawfully present in the
12 United States before accepting the application. If lawful
13 presence is granted for a temporary period, no commercial
14 driver's license shall be issued. The director may, by rule or
15 regulation, establish procedures to verify the lawful presence of
16 the applicant and establish the duration of any commercial
17 driver's license issued under this section. No rule or portion
18 of a rule promulgated pursuant to the authority of this section
19 shall become effective unless it has been promulgated pursuant to
20 chapter 536.

21 13. (1) Effective December 19, 2005, notwithstanding any
22 provisions of subsections 1 and 5 of this section to the
23 contrary, the director may issue a **[nonresident]** nondomiciled
24 commercial driver's license or commercial driver's instruction
25 permit to a resident of a foreign jurisdiction if the United
26 States Secretary of Transportation has determined that the
27 commercial motor vehicle testing and licensing standards in the
28 foreign jurisdiction do not meet the testing standards

1 established in 49 [C.F.R. Part] CFR 383.

2 (2) Any applicant for a [nonresident] nondomiciled
3 commercial driver's license or commercial driver's instruction
4 permit must present evidence satisfactory to the director that
5 the applicant currently has employment with an employer in this
6 state. The [nonresident] nondomiciled applicant must meet the
7 same testing, driver record requirements, conditions, and is
8 subject to the same disqualification and conviction reporting
9 requirements applicable to resident commercial drivers.

10 (3) The [nonresident] nondomiciled commercial driver's
11 license will expire on the same date that the documents
12 establishing lawful presence for employment expire. The word
13 ["nonresident"] "nondomiciled" shall appear on the face of the
14 [nonresident] nondomiciled commercial driver's license. Any
15 applicant for a Missouri [nonresident] nondomiciled commercial
16 driver's license or commercial driver's instruction permit must
17 first surrender any [nonresident] nondomiciled commercial
18 driver's license issued by another state.

19 (4) The [nonresident] nondomiciled commercial driver's
20 license applicant must pay the same fees as required for the
21 issuance of a resident commercial driver's license or commercial
22 driver's instruction permit.

23 14. Foreign jurisdiction for purposes of issuing a
24 [nonresident] nondomiciled commercial driver's license or
25 commercial driver's instruction permit under this section shall
26 not include any of the fifty states of the United States or
27 Canada or Mexico.

28 302.740. 1. The commercial driver's license shall be

1 manufactured of materials and processes that will prohibit as
2 nearly as possible the ability to reproduce, alter, counterfeit,
3 forge, or duplicate any license without ready detection. Such
4 license shall include, but not be limited to, the following
5 information: a colored photograph of the person, the legal name
6 and address of the person, a physical description of the person,
7 including sex, height, weight and eye color, the person's [Social
8 Security number] driver's license number or such other number or
9 identifier deemed appropriate by the director or the [secretary]
10 Secretary, the date of birth, class or type of commercial motor
11 vehicle or vehicles which the person is authorized to drive, the
12 name of this state, and the words "COMMERCIAL DRIVER'S LICENSE"
13 or "CDL", the dates of issuance and expiration, the person's
14 signature and such other information as the director prescribes.

15 2. Before issuing a commercial driver's license, the
16 director shall obtain driving record information from sources
17 including, but not limited to, the national driver's register,
18 the commercial driver's license information system, and any state
19 driver's licensing system in which the person has been licensed;
20 except that the director shall only be required to obtain the
21 complete driving record from each state the person has ever been
22 licensed in when such person is issued an initial commercial
23 driver's license or renews his or her commercial driver's license
24 for the first time. The director shall maintain a notation in
25 the driving record system of the date when he or she has obtained
26 the driving records from all other states which the person has
27 been licensed.

28 3. Within ten days after issuing a commercial driver's

1 license, the director shall notify the commercial driver's
2 license information system of such fact, providing all
3 information required to ensure identification of the person. For
4 the purpose of this subsection, the date of issuance shall be the
5 date the commercial driver's license is mailed to the applicant.

6 4. The commercial driver's license shall indicate the class
7 of vehicle the person may drive and any applicable endorsements
8 or restrictions. Commercial driver's license classifications,
9 endorsements and restrictions shall be in compliance with the
10 Commercial Motor Vehicle Safety Act of 1986 (Title XII of Pub.
11 Law 99-570) and those prescribed by the director. The commercial
12 driver's license driving record shall contain a complete history
13 of the driver, including information and convictions from
14 previous states of licensure.

15 5. The commercial driver's instruction permit shall include
16 but not be limited to the same data elements as a commercial
17 driver's license and the words "CDL PERMIT" or "COMMERCIAL
18 LEARNER PERMIT" and such other information as the director or
19 Secretary prescribes.

20 302.755. 1. A person is disqualified from driving a
21 commercial motor vehicle for a period of not less than one year
22 if convicted of a first violation of:

23 (1) Driving a motor vehicle under the influence of alcohol
24 or a controlled substance, or of an alcohol-related enforcement
25 contact as defined in subsection 3 of section 302.525;

26 (2) Driving a commercial motor vehicle which causes a
27 fatality through the negligent operation of the commercial motor
28 vehicle, including but not limited to the crimes of vehicular

1 manslaughter, homicide by motor vehicle, and negligent homicide;

2 (3) Driving a commercial motor vehicle while revoked
3 pursuant to section 302.727;

4 (4) Leaving the scene of an accident involving a commercial
5 or noncommercial motor vehicle operated by the person;

6 (5) Using a commercial or noncommercial motor vehicle in
7 the commission of any felony, as defined in section 302.700,
8 except a felony as provided in subsection 4 of this section.

9 2. If any of the violations described in subsection 1 of this
10 section occur while transporting a hazardous material the person
11 is disqualified for a period of not less than three years.

12 3. Any person is disqualified from operating a commercial
13 motor vehicle for life if convicted of two or more violations of
14 any of the offenses specified in subsection 1 of this section, or
15 any combination of those offenses, arising from two or more
16 separate incidents. The director may issue rules and
17 regulations, in accordance with guidelines established by the
18 **[secretary]** Secretary, under which a disqualification for life
19 under this section may be reduced to a period of not less than
20 ten years.

21 4. Any person is disqualified from driving a commercial
22 motor vehicle for life who uses a commercial or noncommercial
23 motor vehicle in the commission of any felony involving the
24 manufacture, distribution, or dispensing of a controlled
25 substance, or possession with intent to manufacture, distribute,
26 or dispense a controlled substance.

27 5. Any person is disqualified from operating a commercial
28 motor vehicle for a period of not less than sixty days if

1 convicted of two serious traffic violations or one hundred twenty
2 days if convicted of three serious traffic violations, arising
3 from separate incidents occurring within a three-year period.

4 6. Any person found to be operating a commercial motor
5 vehicle while having any measurable alcohol concentration shall
6 immediately be issued a continuous twenty-four-hour
7 out-of-service order by a law enforcement officer in this state.

8 7. Any person who is convicted of operating a commercial
9 motor vehicle beginning at the time of issuance of the
10 out-of-service order until its expiration is guilty of a class A
11 misdemeanor.

12 8. Any person convicted for the first time of driving while
13 out of service shall be disqualified from driving a commercial
14 motor vehicle in the manner prescribed in 49 CFR [Part] 383, or
15 as amended by the Secretary.

16 9. Any person convicted of driving while out of service on
17 a second occasion during any ten-year period, involving separate
18 incidents, shall be disqualified in the manner prescribed in 49
19 CFR [Part] 383, or as amended by the Secretary.

20 10. Any person convicted of driving while out of service on
21 a third or subsequent occasion during any ten-year period,
22 involving separate incidents, shall be disqualified for a period
23 of three years.

24 11. Any person convicted of a first violation of an
25 out-of-service order while transporting hazardous materials or
26 while operating a motor vehicle designed to transport sixteen or
27 more passengers, including the driver, is disqualified for a
28 period of one hundred eighty days.

1 12. Any person convicted of any subsequent violation of an
2 out-of-service order in a separate incident within ten years
3 after a previous violation, while transporting hazardous
4 materials or while operating a motor vehicle designed to
5 transport fifteen passengers, including the driver, is
6 disqualified for a period of three years.

7 13. Any person convicted of any other offense as specified
8 by regulations promulgated by the Secretary of Transportation
9 shall be disqualified in accordance with such regulations.

10 14. After suspending, revoking, [~~cancelling~~] canceled or
11 disqualifying a driver, the director shall update records to
12 reflect such action and notify a nonresident's licensing
13 authority and the commercial driver's license information system
14 within ten days in the manner prescribed in 49 CFR [Part] 384, or
15 as amended by the Secretary.

16 15. Any person disqualified from operating a commercial
17 motor vehicle pursuant to subsection 1, 2, 3 or 4 of this section
18 shall have such commercial driver's license [~~cancelled~~] canceled,
19 and upon conclusion of the period of disqualification shall take
20 the written and driving tests and meet all other requirements of
21 sections 302.700 to 302.780. Such disqualification and
22 cancellation shall not be withdrawn by the director until such
23 person reapplies for a commercial driver's license in this or any
24 other state after meeting all requirements of sections 302.700 to
25 302.780.

26 16. The director shall disqualify a driver upon receipt of
27 notification that the Secretary has determined a driver to be an
28 imminent hazard pursuant to 49 CFR[, Part] 383.52. Due process

1 of a disqualification determined by the Secretary pursuant to
2 this section shall be held in accordance with regulations
3 promulgated by the Secretary. The period of disqualification
4 determined by the Secretary pursuant to this section shall be
5 served concurrently to any other period of disqualification which
6 may be imposed by the director pursuant to this section. Both
7 disqualifications shall appear on the driving record of the
8 driver.

9 17. The director shall disqualify a commercial license
10 holder or operator of a commercial motor vehicle from operation
11 of any commercial motor vehicle upon receipt of a conviction for
12 an offense of failure to appear or pay, and such disqualification
13 shall remain in effect until the director receives notice that
14 the person has complied with the requirement to appear or pay.

15 18. The disqualification period must be in addition to any
16 other previous periods of disqualification in the manner
17 prescribed in 49 CFR 383, or as amended by the Secretary, except
18 when the major or serious violations are a result of the same
19 incident.

20 302.767. Notwithstanding sections 302.700, 302.720,
21 302.735, 302.740, and 302.755 to the contrary, the department of
22 revenue shall have until July 8, 2015, to comply with the
23 provisions of 49 CFR 383, 384, and 385 pertaining to the
24 commercial driver's license testing and commercial learner's
25 permit standards rule issued by the Federal Motor Carrier Safety
26 Administration.

27 304.180. 1. No vehicle or combination of vehicles shall be
28 moved or operated on any highway in this state having a greater

weight than twenty thousand pounds on one axle, no combination of vehicles operated by transporters of general freight over regular routes as defined in section 390.020 shall be moved or operated on any highway of this state having a greater weight than the vehicle manufacturer's rating on a steering axle with the maximum weight not to exceed twelve thousand pounds on a steering axle, and no vehicle shall be moved or operated on any state highway of this state having a greater weight than thirty-four thousand pounds on any tandem axle; the term "tandem axle" shall mean a group of two or more axles, arranged one behind another, the distance between the extremes of which is more than forty inches and not more than ninety-six inches apart.

2. An "axle load" is defined as the total load transmitted to the road by all wheels whose centers are included between two parallel transverse vertical planes forty inches apart, extending across the full width of the vehicle.

3. Subject to the limit upon the weight imposed upon a highway of this state through any one axle or on any tandem axle, the total gross weight with load imposed by any group of two or more consecutive axles of any vehicle or combination of vehicles shall not exceed the maximum load in pounds as set forth in the following table:

Distance in feet between the extremes of any group of two or more consecutive axles, measured to the nearest foot, except where indicated otherwise	Maximum load in pounds
--	------------------------

1	feet	2 axles	3 axles	4 axles	5 axles	6 axles
2	4	34,000				
3	5	34,000				
4	6	34,000				
5	7	34,000				
6	8	34,000	34,000			
7	More than 8	38,000	42,000			
8	9	39,000	42,500			
9	10	40,000	43,500			
10	11	40,000	44,000			
11	12	40,000	45,000	50,000		
12	13	40,000	45,500	50,500		
13	14	40,000	46,500	51,500		
14	15	40,000	47,000	52,000		
15	16	40,000	48,000	52,500	58,000	
16	17	40,000	48,500	53,500	58,500	
17	18	40,000	49,500	54,000	59,000	
18	19	40,000	50,000	54,500	60,000	
19	20	40,000	51,000	55,500	60,500	66,000
20	21	40,000	51,500	56,000	61,000	66,500
21	22	40,000	52,500	56,500	61,500	67,000
22	23	40,000	53,000	57,500	62,500	68,000
23	24	40,000	54,000	58,000	63,000	68,500
24	25	40,000	54,500	58,500	63,500	69,000
25	26	40,000	55,500	59,500	64,000	69,500
26	27	40,000	56,000	60,000	65,000	70,000
27	28	40,000	57,000	60,500	65,500	71,000
28	29	40,000	57,500	61,500	66,000	71,500
29	30	40,000	58,500	62,000	66,500	72,000
30	31	40,000	59,000	62,500	67,500	72,500

1	32	40,000	60,000	63,500	68,000	73,000
2	33	40,000	60,000	64,000	68,500	74,000
3	34	40,000	60,000	64,500	69,000	74,500
4	35	40,000	60,000	65,500	70,000	75,000
5	36		60,000	66,000	70,500	75,500
6	37		60,000	66,500	71,000	76,000
7	38		60,000	67,500	72,000	77,000
8	39		60,000	68,000	72,500	77,500
9	40		60,000	68,500	73,000	78,000
10	41		60,000	69,500	73,500	78,500
11	42		60,000	70,000	74,000	79,000
12	43		60,000	70,500	75,000	80,000
13	44		60,000	71,500	75,500	80,000
14	45		60,000	72,000	76,000	80,000
15	46		60,000	72,500	76,500	80,000
16	47		60,000	73,500	77,500	80,000
17	48		60,000	74,000	78,000	80,000
18	49		60,000	74,500	78,500	80,000
19	50		60,000	75,500	79,000	80,000
20	51		60,000	76,000	80,000	80,000
21	52		60,000	76,500	80,000	80,000
22	53		60,000	77,500	80,000	80,000
23	54		60,000	78,000	80,000	80,000
24	55		60,000	78,500	80,000	80,000
25	56		60,000	79,500	80,000	80,000
26	57		60,000	80,000	80,000	80,000

27

28 Notwithstanding the above table, two consecutive sets of tandem
29 axles may carry a gross load of thirty-four thousand pounds each

1 if the overall distance between the first and last axles of such
2 consecutive sets of tandem axles is thirty-six feet or more.

3 4. Whenever the state highways and transportation
4 commission finds that any state highway bridge in the state is in
5 such a condition that use of such bridge by vehicles of the
6 weights specified in subsection 3 of this section will endanger
7 the bridge, or the users of the bridge, the commission may
8 establish maximum weight limits and speed limits for vehicles
9 using such bridge. The governing body of any city or county may
10 grant authority by act or ordinance to the state highways and
11 transportation commission to enact the limitations established in
12 this section on those roadways within the purview of such city or
13 county. Notice of the weight limits and speed limits established
14 by the commission shall be given by posting signs at a
15 conspicuous place at each end of any such bridge.

16 5. Nothing in this section shall be construed as permitting
17 lawful axle loads, tandem axle loads or gross loads in excess of
18 those permitted under the provisions of Section 127 of Title 23
19 of the United States Code.

20 6. Notwithstanding the weight limitations contained in this
21 section, any vehicle or combination of vehicles operating on
22 highways other than the interstate highway system may exceed
23 single axle, tandem axle and gross weight limitations in an
24 amount not to exceed two thousand pounds. However, total gross
25 weight shall not exceed eighty thousand pounds, except as
26 provided in subsections 9 and 10 of this section.

27 7. Notwithstanding any provision of this section to the
28 contrary, the department of transportation shall issue a

1 single-use special permit, or upon request of the owner of the
2 truck or equipment, shall issue an annual permit, for the
3 transporting of any concrete pump truck or well-drillers'
4 equipment. The department of transportation shall set fees for
5 the issuance of permits pursuant to this subsection.
6 Notwithstanding the provisions of section 301.133, concrete pump
7 trucks or well-drillers' equipment may be operated on
8 state-maintained roads and highways at any time on any day.

9 8. Notwithstanding the provision of this section to the
10 contrary, the maximum gross vehicle limit and axle weight limit
11 for any vehicle or combination of vehicles equipped with an idle
12 reduction technology may be increased by a quantity necessary to
13 compensate for the additional weight of the idle reduction system
14 as provided for in 23 U.S.C. Section 127, as amended. In no case
15 shall the additional weight increase allowed by this subsection
16 be greater than ~~four~~ five hundred fifty pounds. Upon request
17 by an appropriate law enforcement officer, the vehicle operator
18 shall provide proof that the idle reduction technology is fully
19 functional at all times and that the gross weight increase is not
20 used for any purpose other than for the use of idle reduction
21 technology.

22 9. Notwithstanding subsection 3 of this section or any
23 other provision of law to the contrary, the total gross weight of
24 any vehicle or combination of vehicles hauling livestock may be
25 as much as, but shall not exceed, eighty-five thousand five
26 hundred pounds while operating on U.S. Highway 36 from St.
27 Joseph to U.S. Highway 63, on U.S. Highway 65 from the Iowa state
28 line to U.S. Highway 36, and on U.S. Highway 63 from the Iowa

1 state line to U.S. Highway 36, and on U.S. Highway 63 from U.S.
2 Highway 36 to Missouri Route 17. The provisions of this
3 subsection shall not apply to vehicles operated on the Dwight D.
4 Eisenhower System of Interstate and Defense Highways.

5 10. Notwithstanding any provision of this section or any
6 other law to the contrary, the total gross weight of any vehicle
7 or combination of vehicles hauling milk from a farm to a
8 processing facility may be as much as, but shall not exceed,
9 eighty-five thousand five hundred pounds while operating on
10 highways other than the interstate highway system. The
11 provisions of this subsection shall not apply to vehicles
12 operated and operating on the Dwight D. Eisenhower System of
13 Interstate and Defense Highways.

14 304.820. 1. Except as otherwise provided in this section,
15 no person twenty-one years of age or younger operating a moving
16 noncommercial motor vehicle upon the highways of this state
17 shall, by means of a hand-held electronic wireless communications
18 device, send, read, or write a text message or electronic
19 message.

20 2. No person, regardless of age, shall operate a commercial
21 motor vehicle while using a hand-held mobile telephone in a
22 manner proscribed by the federal motor carrier safety
23 regulations, as periodically amended.

24 3. No person, regardless of age, shall engage in texting
25 while operating a commercial motor vehicle in a manner proscribed
26 by the federal motor carrier safety regulations, as periodically
27 amended.

28 4. The provisions of subsection 1 of this section shall not

1 apply to a person operating:

2 (1) An authorized emergency vehicle; or

3 (2) A moving motor vehicle while using a hand-held
4 electronic wireless communications device to:

5 (a) Report illegal activity;

6 (b) Summon medical or other emergency help;

7 (c) Prevent injury to a person or property; or

8 (d) Relay information between a transit or for-hire
9 operator and that operator's dispatcher, in which the device is
10 permanently affixed to the vehicle.

11 [3.] 5. Nothing in this section shall be construed or
12 interpreted as prohibiting a person from making or taking part in
13 a telephone call, by means of a hand-held electronic wireless
14 communications device, while operating a noncommercial motor
15 vehicle upon the highways of this state.

16 [4.] 6. As used in this section, "electronic message" means
17 a self-contained piece of digital communication that is designed
18 or intended to be transmitted between hand-held electronic
19 wireless communication devices. "Electronic message" includes,
20 but is not limited to, electronic mail, a text message, an
21 instant message, or a command or request to access an internet
22 site.

23 [5.] 7. As used in this section, "hand-held electronic
24 wireless communications device" includes any hand-held cellular
25 phone, palm pilot, blackberry, or other mobile electronic device
26 used to communicate verbally or by text or electronic messaging,
27 but shall not apply to any device that is permanently embedded
28 into the architecture and design of the motor vehicle.

1 [6.] 8. As used in this section, "making or taking part in
2 a telephone call" means listening to or engaging in verbal
3 communication through a hand-held electronic wireless
4 communication device.

5 [7.] 9. As used in this section, "send, read, or write a
6 text message or electronic message" means using a hand-held
7 electronic wireless telecommunications device to manually
8 communicate with any person by using an electronic message.
9 Sending, reading, or writing a text message or electronic message
10 does not include reading, selecting, or entering a phone number
11 or name into a hand-held electronic wireless communications
12 device for the purpose of making a telephone call.

13 [8.] 10. As used in subsections 2 and 3 of this section,
14 the terms "texting" and "mobile telephone" shall have the same
15 meaning ascribed to them in section 302.700.

16 11. A violation of this section shall be deemed an
17 infraction and shall be deemed a moving violation for purposes of
18 point assessment under section 302.302.

19 [9.] 12. The state preempts the field of regulating the use
20 of hand-held electronic wireless communications devices in motor
21 vehicles, and the provisions of this section shall supercede any
22 local laws, ordinances, orders, rules, or regulations enacted by
23 a county, municipality, or other political subdivision to
24 regulate the use of hand-held electronic wireless communication
25 devices by the operator of a motor vehicle.

26 [10.] 13. The provisions of subsection 1 of this section
27 shall not apply to:

28 (1) The operator of a vehicle that is lawfully parked or

1 stopped;

2 (2) Any of the following while in the performance of their
3 official duties: a law enforcement officer; a member of a fire
4 department; or the operator of a public or private ambulance;

5 (3) The use of factory-installed or aftermarket global
6 positioning systems (GPS) or wireless communications devices used
7 to transmit or receive data as part of a digital dispatch system;

8 (4) The use of voice-operated technology;

9 (5) The use of two-way radio transmitters or receivers by a
10 licensee of the Federal Communications Commission in the Amateur
11 Radio Service.

12 476.385. 1. The judges of the supreme court may appoint a
13 committee consisting of at least seven associate circuit judges,
14 who shall meet en banc and establish and maintain a schedule of
15 fines to be paid for violations of sections 210.104, 577.070, and
16 577.073, and chapters 252, 301, 302, 304, 306, 307 and 390, with
17 such fines increasing in proportion to the severity of the
18 violation. The associate circuit judges of each county may meet
19 en banc and adopt the schedule of fines and participation in the
20 centralized bureau pursuant to this section. Notice of such
21 adoption and participation shall be given in the manner provided
22 by supreme court rule. Upon order of the supreme court, the
23 associate circuit judges of each county may meet en banc and
24 establish and maintain a schedule of fines to be paid for
25 violations of municipal ordinances for cities, towns and villages
26 electing to have violations of its municipal ordinances heard by
27 associate circuit judges, pursuant to section 479.040; and for
28 traffic court divisions established pursuant to section 479.500.

1 The schedule of fines adopted for violations of municipal
2 ordinances may be modified from time to time as the associate
3 circuit judges of each county en banc deem advisable. No fine
4 established pursuant to this subsection may exceed the maximum
5 amount specified by statute or ordinance for such violation.

6 2. In no event shall any schedule of fines adopted pursuant
7 to this section include offenses involving the following:

8 (1) Any violation resulting in personal injury or property
9 damage to another person;

10 (2) Operating a motor vehicle while intoxicated or under
11 the influence of intoxicants or drugs;

12 (3) Operating a vehicle with a counterfeited, altered,
13 suspended or revoked license;

14 (4) Fleeing or attempting to elude an officer.

15 3. There shall be a centralized bureau to be established by
16 supreme court rule in order to accept pleas of not guilty or
17 guilty and payments of fines and court costs for violations of
18 the laws and ordinances described in subsection 1 of this
19 section, made pursuant to a schedule of fines established
20 pursuant to this section. The centralized bureau shall collect,
21 with any plea of guilty and payment of a fine, all court costs
22 which would have been collected by the court of the jurisdiction
23 from which the violation originated.

24 4. If a person elects not to contest the alleged violation,
25 the person shall send payment in the amount of the fine and any
26 court costs established for the violation to the centralized
27 bureau. Such payment shall be payable to the central violations
28 bureau, shall be made by mail or in any other manner established

1 by the centralized bureau, and shall constitute a plea of guilty,
2 waiver of trial and a conviction for purposes of section 302.302,
3 and for purposes of imposing any collateral consequence of a
4 criminal conviction provided by law. By paying the fine and
5 costs, the person also consents to attendance either online or in
6 person at any driver-improvement program or motorcycle-rider
7 training course ordered by the court and consents to verification
8 of such attendance as directed by the bureau. Notwithstanding
9 any provision of law to the contrary, the prosecutor shall not be
10 required to sign any information, ticket or indictment if
11 disposition is made pursuant to this subsection. In the event
12 that any payment is made pursuant to this section by credit card
13 or similar method, the centralized bureau may charge an
14 additional fee in order to reflect any transaction cost,
15 surcharge or fee imposed on the recipient of the credit card
16 payment by the credit card company.

17 5. If a person elects to plead not guilty, such person
18 shall send the plea of not guilty to the centralized bureau. The
19 bureau shall send such plea and request for trial to the
20 prosecutor having original jurisdiction over the offense. Any
21 trial shall be conducted at the location designated by the court.
22 The clerk of the court in which the case is to be heard shall
23 notify in writing such person of the date certain for the
24 disposition of such charges. The prosecutor shall not be
25 required to sign any information, ticket or indictment until the
26 commencement of any proceeding by the prosecutor with respect to
27 the notice of violation.

28 6. In courts adopting a schedule of fines pursuant to this

1 section, any person receiving a notice of violation pursuant to
2 this section shall also receive written notification of the
3 following:

4 (1) The fine and court costs established pursuant to this
5 section for the violation or information regarding how the person
6 may obtain the amount of the fine and court costs for the
7 violation;

8 (2) That the person must respond to the notice of violation
9 by paying the prescribed fine and court costs, or pleading not
10 guilty and appearing at trial, and that other legal penalties
11 prescribed by law may attach for failure to appear and dispose of
12 the violation. The supreme court may modify the suggested forms
13 for uniform complaint and summons for use in courts adopting the
14 procedures provided by this section, in order to accommodate such
15 required written notifications.

16 7. Any moneys received in payment of fines and court costs
17 pursuant to this section shall not be considered to be state
18 funds, but shall be held in trust by the centralized bureau for
19 benefit of those persons or entities entitled to receive such
20 funds pursuant to this subsection. All amounts paid to the
21 centralized bureau shall be maintained by the centralized bureau,
22 invested in the manner required of the state treasurer for state
23 funds by sections 30.240, 30.250, 30.260 and 30.270, and
24 disbursed as provided by the constitution and laws of this state.
25 Any interest earned on such fund shall be payable to the director
26 of the department of revenue for deposit into a revolving fund to
27 be established pursuant to this subsection. The state treasurer
28 shall be the custodian of the revolving fund, and shall make

1 disbursements, as allowed by lawful appropriations, only to the
2 judicial branch of state government for goods and services
3 related to the administration of the judicial system.

4 8. Any person who receives a notice of violation subject to
5 this section who fails to dispose of such violation as provided
6 by this section shall be guilty of failure to appear provided by
7 section 544.665; and may be subject to suspension of driving
8 privileges in the manner provided by section 302.341. The
9 centralized bureau shall notify the appropriate prosecutor of any
10 person who fails to either pay the prescribed fine and court
11 costs, or plead not guilty and request a trial within the time
12 allotted by this section, for purposes of application of section
13 544.665. The centralized bureau shall also notify the department
14 of revenue of any failure to appear subject to section 302.341,
15 and the department shall thereupon suspend the license of the
16 driver in the manner provided by section 302.341, as if notified
17 by the court.

18 9. In addition to the remedies provided by subsection 8 of
19 this section, the centralized bureau and the courts may use the
20 remedies provided by sections 488.010 to 488.020 for the
21 collection of court costs payable to courts, in order to collect
22 fines and court costs for violations subject to this section.

23 565.087. 1. A person commits the crime of assault of an
24 employee of a mass transit system while in the scope of his or
25 her duties in the first degree if such person attempts to kill or
26 knowingly causes or attempts to cause serious physical injury to
27 an employee of a mass transit system while in the scope of his or
28 her duties.

1 2. As used in this section, "mass transit system" includes
2 employees of public bus and light rail companies.

3 3. Assault of an employee of a mass transit system in the
4 first degree is a class B felony.

5 565.088. 1. A person commits the crime of assault of an
6 employee of a mass transit system while in the scope of his or
7 her duties in the second degree if such person:

8 (1) Knowingly causes or attempts to cause physical injury
9 to an employee of a mass transit system while in the scope of his
10 or her duties by means of a deadly weapon or dangerous
11 instrument;

12 (2) Knowingly causes or attempts to cause physical injury
13 to an employee of a mass transit system while in the scope of his
14 or her duties by means other than a deadly weapon or dangerous
15 instrument;

16 (3) Recklessly causes serious physical injury to an
17 employee of a mass transit system while in the scope of his or
18 her duties;

19 (4) While in an intoxicated condition or under the
20 influence of controlled substances or drugs, operates a motor
21 vehicle in this state and when so operating, acts with criminal
22 negligence to cause physical injury to an employee of a mass
23 transit system while in the scope of his or her duties;

24 (5) Acts with criminal negligence to cause physical injury
25 to an employee of a mass transit system while in the scope of his
26 or her duties by means of a deadly weapon or dangerous
27 instrument;

28 (6) Purposely or recklessly places an employee of a mass

1 transit system while in the scope of his or her duties in
2 apprehension of immediate serious physical injury; or

3 (7) Acts with criminal negligence to create a substantial
4 risk of death or serious physical injury to an employee of a mass
5 transit system while in the scope of his or her duties.

6 2. As used in this section, "mass transit system" includes
7 employees of public bus and light rail companies.

8 3. Assault of an employee of a mass transit system while in
9 the scope of his or her duties in the second degree is a class C
10 felony, unless committed under subdivision (2), (5), (6), or (7)
11 of subsection 1 of this section, in which case it is a class D
12 felony.

13 565.089. 1. A person commits the crime of assault of an
14 employee of a mass transit system while in the scope of his or
15 her duties in the third degree if:

16 (1) Such person recklessly causes physical injury to an
17 employee of a mass transit system while in the scope of his or
18 her duties;

19 (2) Such person purposely places an employee of a mass
20 transit system while in the scope of his or her duties in
21 apprehension of immediate physical injury;

22 (3) Such person knowingly causes or attempts to cause
23 physical contact with an employee of a mass transit system while
24 in the scope of his or her duties without the consent of the
25 employee of the mass transit system.

26 2. As used in this section, "mass transit system" includes
27 employees of public bus and light rail companies.

28 3. Assault of an employee of a mass transit system while in

1 the scope of his or her duties in the third degree is a class B
2 misdemeanor.

3 577.041. 1. If a person under arrest, or who has been
4 stopped pursuant to subdivision (2) or (3) of subsection 1 of
5 section 577.020, refuses upon the request of the officer to
6 submit to any test allowed pursuant to section 577.020, then
7 evidence of the refusal shall be admissible in a proceeding
8 pursuant to section 565.024, 565.060, or 565.082, or section
9 577.010 or 577.012. The request of the officer shall include the
10 reasons of the officer for requesting the person to submit to a
11 test and also shall inform the person that evidence of refusal to
12 take the test may be used against such person and that the
13 person's license shall be immediately revoked upon refusal to
14 take the test. If a person when requested to submit to any test
15 allowed pursuant to section 577.020 requests to speak to an
16 attorney, the person shall be granted twenty minutes in which to
17 attempt to contact an attorney. If upon the completion of the
18 twenty-minute period the person continues to refuse to submit to
19 any test, it shall be deemed a refusal. In this event, the
20 officer shall, on behalf of the director of revenue, serve the
21 notice of license revocation personally upon the person and shall
22 take possession of any license to operate a motor vehicle issued
23 by this state which is held by that person. The officer shall
24 issue a temporary permit, on behalf of the director of revenue,
25 which is valid for fifteen days and shall also give the person a
26 notice of such person's right to file a petition for review to
27 contest the license revocation.

28 2. The officer shall make a certified report under

1 penalties of perjury for making a false statement to a public
2 official. The report shall be forwarded to the director of
3 revenue and shall include the following:

4 (1) That the officer has:

5 (a) Reasonable grounds to believe that the arrested person
6 was driving a motor vehicle while in an intoxicated or drugged
7 condition; or

8 (b) Reasonable grounds to believe that the person stopped,
9 being under the age of twenty-one years, was driving a motor
10 vehicle with a blood alcohol content of two-hundredths of one
11 percent or more by weight; or

12 (c) Reasonable grounds to believe that the person stopped,
13 being under the age of twenty-one years, was committing a
14 violation of the traffic laws of the state, or political
15 subdivision of the state, and such officer has reasonable grounds
16 to believe, after making such stop, that the person had a blood
17 alcohol content of two-hundredths of one percent or greater;

18 (2) That the person refused to submit to a chemical test;

19 (3) Whether the officer secured the license to operate a
20 motor vehicle of the person;

21 (4) Whether the officer issued a fifteen-day temporary
22 permit;

23 (5) Copies of the notice of revocation, the fifteen-day
24 temporary permit and the notice of the right to file a petition
25 for review, which notices and permit may be combined in one
26 document; and

27 (6) Any license to operate a motor vehicle which the
28 officer has taken into possession.

1 3. Upon receipt of the officer's report, the director shall
2 revoke the license of the person refusing to take the test for a
3 period of one year; or if the person is a nonresident, such
4 person's operating permit or privilege shall be revoked for one
5 year; or if the person is a resident without a license or permit
6 to operate a motor vehicle in this state, an order shall be
7 issued denying the person the issuance of a license or permit for
8 a period of one year.

9 4. If a person's license has been revoked because of the
10 person's refusal to submit to a chemical test, such person may
11 petition for a hearing before a circuit division or associate
12 division of the court in the county in which the arrest or stop
13 occurred. The person may request such court to issue an order
14 staying the revocation until such time as the petition for review
15 can be heard. If the court, in its discretion, grants such stay,
16 it shall enter the order upon a form prescribed by the director
17 of revenue and shall send a copy of such order to the director.
18 Such order shall serve as proof of the privilege to operate a
19 motor vehicle in this state and the director shall maintain
20 possession of the person's license to operate a motor vehicle
21 until termination of any revocation pursuant to this section.
22 Upon the person's request the clerk of the court shall notify the
23 prosecuting attorney of the county and the prosecutor shall
24 appear at the hearing on behalf of the director of revenue. At
25 the hearing the court shall determine only:

- 26 (1) Whether or not the person was arrested or stopped;
27 (2) Whether or not the officer had:
28 (a) Reasonable grounds to believe that the person was

1 driving a motor vehicle while in an intoxicated or drugged
2 condition; or

3 (b) Reasonable grounds to believe that the person stopped,
4 being under the age of twenty-one years, was driving a motor
5 vehicle with a blood alcohol content of two-hundredths of one
6 percent or more by weight; or

7 (c) Reasonable grounds to believe that the person stopped,
8 being under the age of twenty-one years, was committing a
9 violation of the traffic laws of the state, or political
10 subdivision of the state, and such officer had reasonable grounds
11 to believe, after making such stop, that the person had a blood
12 alcohol content of two-hundredths of one percent or greater; and

13 (3) Whether or not the person refused to submit to the
14 test.

15 5. If the court determines any issue not to be in the
16 affirmative, the court shall order the director to reinstate the
17 license or permit to drive.

18 6. Requests for review as provided in this section shall go
19 to the head of the docket of the court wherein filed.

20 7. No person who has had a license to operate a motor
21 vehicle suspended or revoked pursuant to the provisions of this
22 section shall have that license reinstated until such person has
23 participated in and successfully completed a substance abuse
24 traffic offender program defined in section 577.001, or a program
25 determined to be comparable by the department of mental health or
26 the court. Assignment recommendations, based upon the needs
27 assessment as described in subdivision [(23)] (24) of section
28 302.010, shall be delivered in writing to the person with written

1 notice that the person is entitled to have such assignment
2 recommendations reviewed by the court if the person objects to
3 the recommendations. The person may file a motion in the
4 associate division of the circuit court of the county in which
5 such assignment was given, on a printed form provided by the
6 state courts administrator, to have the court hear and determine
7 such motion pursuant to the provisions of chapter 517. The
8 motion shall name the person or entity making the needs
9 assessment as the respondent and a copy of the motion shall be
10 served upon the respondent in any manner allowed by law. Upon
11 hearing the motion, the court may modify or waive any assignment
12 recommendation that the court determines to be unwarranted based
13 upon a review of the needs assessment, the person's driving
14 record, the circumstances surrounding the offense, and the
15 likelihood of the person committing a like offense in the future,
16 except that the court may modify but may not waive the assignment
17 to an education or rehabilitation program of a person determined
18 to be a prior or persistent offender as defined in section
19 577.023, or of a person determined to have operated a motor
20 vehicle with fifteen-hundredths of one percent or more by weight
21 in such person's blood. Compliance with the court determination
22 of the motion shall satisfy the provisions of this section for
23 the purpose of reinstating such person's license to operate a
24 motor vehicle. The respondent's personal appearance at any
25 hearing conducted pursuant to this subsection shall not be
26 necessary unless directed by the court.

27 8. The fees for the substance abuse traffic offender
28 program, or a portion thereof to be determined by the division of

1 alcohol and drug abuse of the department of mental health, shall
2 be paid by the person enrolled in the program. Any person who is
3 enrolled in the program shall pay, in addition to any fee charged
4 for the program, a supplemental fee to be determined by the
5 department of mental health for the purposes of funding the
6 substance abuse traffic offender program defined in section
7 302.010 and section 577.001. The administrator of the program
8 shall remit to the division of alcohol and drug abuse of the
9 department of mental health on or before the fifteenth day of
10 each month the supplemental fee for all persons enrolled in the
11 program, less two percent for administrative costs. Interest
12 shall be charged on any unpaid balance of the supplemental fees
13 due the division of alcohol and drug abuse pursuant to this
14 section and shall accrue at a rate not to exceed the annual rates
15 established pursuant to the provisions of section 32.065, plus
16 three percentage points. The supplemental fees and any interest
17 received by the department of mental health pursuant to this
18 section shall be deposited in the mental health earnings fund
19 which is created in section 630.053.

20 9. Any administrator who fails to remit to the division of
21 alcohol and drug abuse of the department of mental health the
22 supplemental fees and interest for all persons enrolled in the
23 program pursuant to this section shall be subject to a penalty
24 equal to the amount of interest accrued on the supplemental fees
25 due the division pursuant to this section. If the supplemental
26 fees, interest, and penalties are not remitted to the division of
27 alcohol and drug abuse of the department of mental health within
28 six months of the due date, the attorney general of the state of

1 Missouri shall initiate appropriate action of the collection of
2 said fees and interest accrued. The court shall assess attorney
3 fees and court costs against any delinquent program.

4 10. Any person who has had a license to operate a motor
5 vehicle revoked [more than once for violation of the provisions
6 of this section] under this section and who has a prior alcohol-
7 related enforcement contact, as defined in section 302.525, shall
8 be required to file proof with the director of revenue that any
9 motor vehicle operated by the person is equipped with a
10 functioning, certified ignition interlock device as a required
11 condition of license reinstatement. Such ignition interlock
12 device shall further be required to be maintained on all motor
13 vehicles operated by the person for a period of not less than six
14 months immediately following the date of reinstatement. If the
15 monthly monitoring reports show that the ignition interlock
16 device has registered any confirmed blood alcohol concentration
17 readings above the alcohol setpoint established by the department
18 of transportation or that the person has tampered with or
19 circumvented the ignition interlock device, then the period for
20 which the person must maintain the ignition interlock device
21 following the date of reinstatement shall be extended for an
22 additional six months. If the person fails to maintain such
23 proof with the director as required by this section, the license
24 shall be rerevoked and the person shall be guilty of a class A
25 misdemeanor.

26 11. The revocation period of any person whose license and
27 driving privilege has been revoked under this section and who has
28 filed proof of financial responsibility with the department of

1 revenue in accordance with chapter 303 and is otherwise eligible,
2 shall be terminated by a notice from the director of revenue
3 after one year from the effective date of the revocation. Unless
4 proof of financial responsibility is filed with the department of
5 revenue, the revocation shall remain in effect for a period of
6 two years from its effective date. If the person fails to
7 maintain proof of financial responsibility in accordance with
8 chapter 303, the person's license and driving privilege shall be
9 rerevoked and the person shall be guilty of a class A
10 misdemeanor.

11 Section 1. The portion of Interstate Highway 70 in
12 Montgomery County between mile marker 165.0 and 166.0 shall be
13 designated the "Graham's Picnic Rock Highway". The department of
14 transportation shall erect and maintain appropriate signs
15 designating such highway. The signs shall not be erected until
16 the next lane widening or pavement replacement project within
17 that portion of the highway.

18 Section B. Because immediate action is necessary to ensure
19 the safety of the citizens of this state, the repeal and
20 reenactment of section 302.309 of this act, and the repeal of
21 section 302.309 of this act, is deemed necessary for the
22 immediate preservation of the public health, welfare, peace, and
23 safety, and is hereby declared to be an emergency act within the
24 meaning of the constitution, and the repeal and reenactment of
25 section 302.309 of this act, and the repeal of section 302.309 of
26 this act, shall be in full force and effect July 1, 2013, or upon
27 its passage and approval, whichever later occurs.

28 Section C. The repeal and reenactment of sections 302.060,

1 302.302, 302.304, 302.525, 476.385, and 577.041, and the repeal
2 of sections 302.060, 302.304, and 302.525 of this act shall
3 become effective on March 3, 2014.

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10 _____
11 Brian Munzlinger

Glen Kolkmeier